

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 07-31

A RESOLUTION ADOPTING REVISIONS TO THE CITY WIDE PERSONNEL POLICIES

WHEREAS, the City Wide Personnel Policies have not been comprehensively reviewed and updated since 1998; and


WHEREAS, this review and update has been conducted by the City ; and

WHEREAS, these proposed revisions to the City Wide Personnel Policies have been included in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

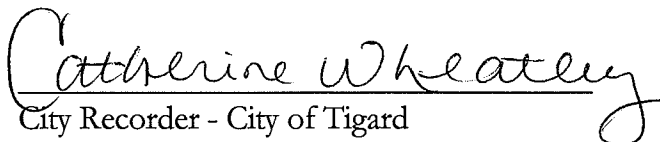
SECTION 1: The proposed Revisions to the City Wide Personnel Policies are adopted effective July 1, 2007.

PASSED: This 12th day of June 2007.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

Red = New Language

EXHIBIT A - PROPOSED REVISIONS TO

City of Tigard Personnel Policies

Revised June 12, 2007

POLICY NUMBER AND TITLE

Deleted: ARTICLE #

30.0 Purpose

31.0 Code of Ethics

Deleted: for City Employees

32.0 Conduct and Appearance

Deleted: of City Employees

33.0 Equal Employment Opportunity/Non-Discrimination/Anti-Harassment

34.0 Workplace Violence

35.0 Drug and Alcohol Free Workplace

36.0 Safety Policy

37.0 Recruitment and Selection

38.0 Employment of Relatives/Domestic Partners

39.0 Temporary Employees/Intern Employment

Deleted: Contracted Services

40.0 Outside Employment

41.0 Background Checks

42.0 Employee Pictures

43.0 New Employee Orientation

44.0 Personnel Records

45.0 Job Attendance

46.0 Pay Dates

Deleted: and Payroll Advances

47.0 Training, Education, Travel and Expense Policy

48.0 Written Departmental Rules and Standard Operating Procedures

49.0 Electronic Communications

50.0 Political Activities

51.0 Smoke Free Work Environment

52.0 Performance Summaries

Deleted: Reviews

53.0 Driving and Vehicle Operation

Deleted: Use of City Owned Vehicles

54.0 Use of City Property and Information

55.0 Personal Property

56.0 Family and Medical Leaves of Absence

Deleted: (Revised) 62.0 Hazard Communication

57.0 Classification Plan

58.0 Compensation Administration

59.0 Complaint Process

60.0 Job Sharing

61.0 Reporting Improper Government Action

62.0 Inclement Weather

63.0 Solicitation on City Property

64.0 Defense and Indemnification of City Officials

65.0 Voluntary Resignations

30.0 PURPOSE

These personnel policies and procedures are designed to inform all employees of the day-to-day administrative guidelines and practices of the city. They are also meant to provide employees with an understanding of what is expected of them and to provide consistent, fair and uniform treatment to all. The rules and procedures contained herein shall apply to all city employees. Where the provisions of a collective bargaining agreement or individual employment agreement with the city differ from these rules, the language in the agreement shall prevail.

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The city reserves the right to change any of these policies and procedures at any time. Although it is the city's policy not to terminate the employment relationship with the city unless it has just cause to do so, these policies and procedures do not and are not intended to constitute a contract of employment nor to limit the city's right to discipline or terminate employees. Certain management personnel have individual employment agreements, and those agreements prevail where appropriate over these policies as to the individual employee covered by the agreement. The city has entered into collective bargaining agreements that cover certain job classifications, and those collective bargaining agreements prevail where appropriate over these policies as to the employees who are covered by the agreements. The city also has a separate set of management personnel policies for non-represented personnel and those policies prevail where appropriate over these policies.

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Nothing in these policies shall be interpreted as restricting or prohibiting an employee's performance of the employee's official duties. Any prohibition stated in these policies does not apply if the employee is performing a legitimate work task as a city official or employee. For example, accessing inappropriate websites is not prohibited if it is done as part of an employee's work tasks (e.g. police investigation, personnel investigation, or other legitimate task).

Authority and Responsibility

The Mayor and the city Council shall set general personnel guidelines through the adoption of the city budget, pay plans, collective bargaining agreements, and ordinances and resolutions adopting and/or amending the personnel rules and regulations.

Deleted: shall have authority over all matters of personnel administration through adoption and implementation of

The city Manager may interpret the language of the rules and regulations in any case where interpretation is in question, and may specifically delegate the authority for the enforcement of these rules and regulations.

The city Manager shall be responsible for ensuring the effective implementation of these rules and regulations and may further establish, amend or otherwise modify these rules and regulations.

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31.0 CODE OF ETHICS

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City employees have a special responsibility to act on behalf of the public good and to ensure that the public's trust in government is respected. Public service requires a continual effort on behalf of employees to guard against conduct that is not only illegal but also conduct that could appear inappropriate or a conflict of interest to a reasonable observer even if the conduct is not against the law. Just because an action is legal doesn't necessarily mean it is right or good. Conduct which is or could appear dishonest, inappropriate, appear to enrich the employee, their families or their businesses, or to be a conflict of interest to an observer will undermine the public trust and is prohibited. Each employee is expected to report any actual or potential conflict of interest to their supervisor. Examples of conduct which are prohibited include but are not limited to:

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- No employee may use the employee's employment in any way to obtain financial gain for the employee's household or family or any business with which the employee or member of the employee's household or family are associated;
- No employee may use information received because of city employment for private gain if that information is confidential or normally not available to the general public or has not otherwise been dispersed by the city;
- No employee may solicit private business from other employees for personal gain while on duty, while wearing a uniform or insignia that identifies them as city employees, while in a city vehicle, or while on city premises.
- Employees may not solicit or receive a promise of future employment with the understanding that the promise will influence the employee's official action;
- Employees may not take any action on behalf of the city, the effect of which would be to the employee's private financial gain or loss, without first notifying the employee's department director in writing of the potential conflict of interest;
- City employees shall not serve on city policy boards or committees except as specifically provided by ordinance or as required to perform as part of their official City duties.
- City employees may not use city time to participate in matters of personal interest.
- When giving testimony unrelated to their assigned city responsibilities, city employees will identify themselves as private citizens and not use information or facts that have come to them by virtue of their employment and are not subject to disclosure to the public.

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The code of ethics is intended to convey the general expectations of what is considered to be appropriate conduct for a city employee. If a situation occurs where it is difficult to determine the proper course of action, the matter should be discussed openly with the

immediate supervisor, and if necessary, with the department director for advice and consultation.

All city of Tigard employees are considered public officials and are subject to the State of Oregon's Government Standards and Practices (ethics) laws. The city will comply with these and all applicable laws and regulations and expects its directors, managers, supervisors, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, city employees are encouraged to not accept personal gifts. State law does provide certain guidelines for the receipt of gifts as a public employee and the City of Tigard requires its employees to comply with those standards. Pursuant to ORS (Oregon Revised Statutes) Chapter 244, Government Standards and Practices, the following restrictions apply to the acceptance of gifts or gratuities:

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- City employees may receive food, lodging and travel when participating in an event which is related to the employee's official position and when the employee is appearing in his/her official capacity. Food and/or beverages consumed by the employee in the presence of the purchaser or provider is acceptable.
- Receiving entertainment gifts is acceptable only a) when the entertainment is experienced in the presence of the provider, and b) when the value of the entertainment does not exceed \$100 per person on a single occasion and is not greater than \$250 in any one calendar year.
- Gifts exchanged between co-workers for occasions such as birthdays and holidays are not prohibited.
- Unsolicited awards for professional achievement may be accepted.
- Employees shall not accept any special favors, gifts, or gratuities resulting from or related to employment with the city unless otherwise specified in this policy. In this regard, the appearance of impropriety can be as damaging as actual impropriety and is equally to be avoided.

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A department director may allow acceptance of non-monetary gifts of nominal value (e.g., under \$50), which are available to be shared by all employees in a nonbiased or nondiscriminatory manner or on behalf of an area nonprofit public service agency.

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Any person who observes unlawful or improper action(s) by a city, employee is expected to report them. The matter should be reported to the employee's immediate supervisor. If the supervisor appears to be involved in the improper action, the report can be made to the department director, City Manager, or Human Resources.

Some employees may own property in the city resulting in the employee having to interact with the city regarding the employee's non-employment interests. Other situations, such as traffic violations or parking tickets, may arise in which the employee as an individual has to communicate with the city as an individual outside the employment context. Being an

employee does not affect the employee's relationship with the city in the non-employment context in any manner. A person who is an employee shall be treated the same as any other person in these situations, and employees shall not seek special treatment from the city. An employee may not use the person's status as an employee or information obtained as an employee to gain an advantage that non-employees could not obtain. An employee may not use on-the-job time in the employee's dealings with the city in non-employment matters. For example, an employee who needs a city permit must not submit an application, discuss the permit with the department issuing the permit, or take any other action related to the permit while on the job during working hours. A person who is at lunch or other recognized break is not considered "on the job".

In the event an employee seeks a permit or otherwise interacts with the city on personal business, and the employee may be in a position to take action in the employee's official capacity or the employee's department is likely to be involved, the employee shall inform the employee's supervisor immediately in writing or email. The supervisor shall take steps to ensure that the employee is screened from participation in any official process related to the employee's personal business and that the employee has no access to information that non-employees would not have access to. Screening shall include a requirement that there be no communication with the affected employee that would not occur if the person involved were not an employee.

32. 0 CONDUCT AND APPEARANCE,

Deleted: OF CITY EMPLOYEES

The City of Tigard is committed to providing efficient, courteous, friendly service to its citizens consistent with its mission statement and embodying the highest standards of public service. Each employee in his or her position represents the city to the public; therefore, it is the obligation of every employee to be safe, courteous, friendly and efficient in the performance of their duties, to treat all those encountered in the course of work professionally and with dignity, and to present a well groomed personal appearance and dress consistent with their job assignment.

The City of Tigard is also committed to promoting a work environment based on mutual trust, acceptance, productivity and respect for the dignity of every member of the city staff. We are committed to opposing behavior that detracts from the ability of each employee to perform at his/her highest level to fulfill the mission of the city. Employees have the responsibility of working cooperatively with co-workers to create and maintain a positive work environment. This includes respecting the individual rights of others,

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Employees of the City of Tigard shall maintain the ethical standards required of a public employee, and shall insure that off the job conduct does not impair their effectiveness on the job. The expected standard of conduct for all employees in the city service shall be in the public interest as opposed to individual interest. In addition, each employee shall exhibit care and responsibility with public property and shall strive to reduce costs of materials and services in the performance of their duties.

The continued employment of every employee shall be conditioned on good behavior and satisfactory performance of duties. Examples of appropriate behavior in the workplace

include, but are not limited to: 1) presenting a cooperative and professional image 2) treating others with respect 3) working effectively with others and functioning as part of a team 4) being flexible to accept changes in a positive manner, and 5) communicating effectively in a constructive, respectful manner including the proper use of tone and volume.

Failure to meet the expected standards of conduct and appearance shall be grounds for disciplinary action, up to and including termination. Causes for disciplinary action include, but are not limited to, the following:

- Improper use of an employee's position for personal gain;
- Inappropriate use of information gained from employee's job;
- Inefficiency or incompetence;
- Misuse or abuse of city or public funds, or theft or misappropriation of the property of others;
- Failure to report for duty ready, physically able, with or without reasonable accommodation, and appropriately attired to work;
- Actions which are violations of ethical standards;
- Acts of discrimination or harassment based on race, religion, color, gender, national origin, age, marital status, sexual orientation, or disability;
- Acts of retaliation against employees for any reasons specified in these policies
- Neglect of duty or negligence of duty causing risk of personal injury to the employee or any other employee or a member of the public or causing risk of damage to property;
- Insubordination and/or discourteous treatment of a Supervisor, Department director, City Manager, City Councilor, the public or a fellow employee;
- Failure to establish and maintain an effective working relationship with the employee's supervisor and/or co-workers.
- Gambling for items of value during working hours or on city premises, including participating in internal pools or wagers;
- Solicitation of a contribution, response or action in the name of the city designed to further a political or charitable cause while on duty;
- Acceptance of gratuities or gifts in violation of State ethics laws or city policy;
- Theft of, damage to, negligence or improper or unauthorized use of city vehicles, equipment or property;

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- The use of intoxicants or illegal use, possession, distribution or sale of controlled substances on the job or on city premises or reporting for work under the influence of intoxicants or controlled substances;
- Habitual or excessive absence or tardiness or abuse of sick leave privileges;
- Absence from duty without authorization or failure to follow department notification procedures regarding absence or tardiness;
- Violation of safety rules or policies; damage to or negligence in the care and handling of city property;
- Conviction of a felony or conviction of any crime where the conviction would impair effectiveness as a city employee or bring discredit or reproach on the city or department involved;
- Dishonesty;
- Fraud or misrepresentation in securing employment;
- Use of city time, property or equipment for personal purposes without supervisory approval, subject to reasonable interpretation and enforcement. For example, the occasional making or receiving of personal phone calls would not be a violation of this standard; however, the use of a computer on or off duty time to carry on an outside business would be. Stopping at a restaurant in a city vehicle, if reasonable on the way to or from meetings or field work assignment, would not be a violation; taking one to a doctor's appointment would be.
- Fighting, use of force, intimidation, abusive language or mannerisms, or other conduct that is unprofessional or inappropriate behavior in the workplace or worksite;
- Possession of firearms or lethal weapons except for police officers and others authorized to carry firearms;
- Willful violation of any provision of city ordinances, rules or policies, or any provision of department/s rules and regulations;
- Other conduct unbecoming public service or reflecting discredits on the city or any department.

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The city respects an employee's individuality, and the use of common sense in choosing appropriate clothing to be worn during business hours. Each employee should recognize the importance of personal appearance to the professional image of the organization. Each employee should dress and groom according to the requirements of the position and accepted social standards.

Departments may establish dress/uniform standards for each of their positions. If an employee's supervisor determines that the employee's personal appearance is inappropriate,

they may be asked to leave the workplace until the employee is properly dressed or groomed. Under such circumstances, the employee will not be compensated for the time away from work. Employees should consult their supervisor if they have questions as to what constitutes appropriate appearance for their position.

Each employee must wear city identification as required by the city's security and building access policies.

33.0 Equal Employment Opportunity/Non-Discrimination/ Harassment Policy

The City of Tigard is committed to providing a workplace that is respectful and productive for all of its employees, and one that affords equal opportunities to all employees and applicants for city jobs. Discrimination on the basis of race, color, religion, sex, age, national origin, sexual orientation, physical or mental disability, marital status or any other protected group status as defined by federal, state or local law is prohibited. Harassment of any employee based on these distinctions is also prohibited. Any employee found to have engaged in harassment or discrimination will be subject to disciplinary procedures up to and including dismissal. These policies extend to all areas of employment, benefits, conditions, terms and privileges of service. If any employee is in need of reasonable accommodation they should contact the Human Resources Division.

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It is the responsibility of all employees, managers and supervisors to understand and comply with these policies. Supervisors have the additional responsibility to support these policies, and to take prompt, corrective action if harassment is found to have occurred. Management is expected to encourage and support constructive and open communications in order to prevent the development of hostile or discriminatory work environments.

Sexual Harassment

Sexual harassment is a form of sex discrimination and an unlawful employment practice under Title VII, defined as deliberate or repeated behavior of a sexual nature which is unwelcome. Harassing behaviors are judged not by the perceptions of intent of the alleged harasser, but by how the recipient and reasonable people similar to the recipient perceive the behavior. There are two major forms: 1) "Quid Pro Quo", which refers to requiring an employee or co-worker to submit to unwelcome behavior as a condition of employment 2) "Hostile Work Environment", which refers to behavior that creates or fosters an unwelcome or abusive work environment. Harassment can include verbal behaviors such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; and non-verbal behaviors such as suggestive looks or leering, and physical behavior such as pats, squeezes, or repeatedly brushing against someone's body.

Some specific examples of inappropriate or illegal behaviors include:

- Negative or offensive comments, jokes or suggestions about another employee's gender or sexuality;
- Slang, names or labels such as "honey", "sweetie", "boy", "girl", that others find offensive;

- Obscene or lewd sexual comments, jokes, suggestions, or innuendoes;
- Talking about or calling attention to another employee's body or sexual characteristics in a negative or embarrassing way;
- Laughing at, ignoring or not taking seriously an employee who experiences sexual harassment;
- Blaming the victims of sexual harassment for causing the problems;
- Continuing certain behavior after a co-worker has objected to that behavior;
- Displaying sexual pictures, cartoons, or calendars on any city property.

Sexual harassment in the workplace is strictly prohibited and any employee found to have engaged in sexual harassment will be subject to disciplinary procedures up to and including termination. An employee who uses sexual behavior to create a hostile work environment for another employee or to implicitly or explicitly threaten, coerce, influence or affect the employment, job status, salary or performance of another employee is engaging in sexual harassment.

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Complaint Procedure

It is critical that employees who believe that they have been subjected to discrimination or harassment discuss the matter with their supervisor immediately. Employees are encouraged but not required, as a first step, to confront the person who harassed them and state their objection to the offensive behavior when it occurs. When the employee believes that he/she is being harassed or discriminated against by their supervisor, they should notify their department director, or any other supervisor, manager or director, or they may contact Human Resources. Employees who believe that they have witnessed another employee being harassed or discriminated against should also follow this procedure.

Reports on harassment or discrimination shall be investigated promptly. All employees involved in an alleged case of harassment and/or discrimination will be treated with respect and courtesy. Confidentiality will be maintained as far as practical given the complaint, law and the investigation procedure. If the incident is isolated and of a less serious nature, the supervisor may attempt to resolve it informally. In any case, the supervisor (or person responding to the complaint) is required to document the incident and action taken, and forward a copy to the department director and the Human Resources Director.

Any intimidation, coercion, discrimination or retaliation against an individual who files a complaint or who testifies, assists, or participates in any manner in an investigation will not be tolerated. All such acts against complainants or other participants should be immediately reported to the supervisor, manager, department director or Human Resources.

34.0 WORKPLACE VIOLENCE

The City of Tigard is committed to the safety and security of its employees, citizens, and visitors. All employees are expected to maintain high standards of employee behavior including respect for the dignity of all individuals. As a result, threats, threatening behavior, or acts of violence against or by employees, visitors, or guests on the City of Tigard property will not be tolerated. Furthermore, verbal or physical threats, aggressive or threatening behavior, or acts of violence off city property by city employees will also not be tolerated.

Any person who exhibits threatening behavior or engages in violent acts on City of Tigard property should be removed from the premises as quickly as reasonably possible, and shall be required to stay off city premises pending the outcome of an investigation into any incident. In cases where the reporting individual is not a city employee, the report should be made to the City of Tigard Police Department. The city will investigate threats and acts of aggression/violence and will take prompt corrective action where appropriate. In the event the investigation discloses prohibited behavior the city has the right to take any steps the City Manager deems necessary. This response may include, but is not limited to, discipline up to and including termination, and/or criminal or civil prosecution of the person or persons involved. The need to prevent a threat from being carried out, a violent act from occurring, or a life threatening situation from developing shall supersede any policy, practice or procedure which may appear to prohibit taking action to avoid the violence.

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All City of Tigard personnel shall notify their supervisor, department director, or the Human Resources Director of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior that might be carried out on a City of Tigard controlled site, or is connected to city employment. If the supervisor, department director, or Human Resources Director is not available, personnel shall report the threat to the City Manager's office. All supervisors and managers are responsible for taking workplace violence issues seriously and following prevention, policies and procedures as appropriate. It is up to all employees to assist in the identification and resolution of threatening or violent behavior. Preventing and de-escalating violence is not solely a management responsibility.

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All individuals who obtain a protective or restraining order which lists City of Tigard sites as being protected areas, must provide their supervisor and the Human Resources Director a copy of the order(s). The City of Tigard understands the sensitivity of the information requested and has developed procedures which recognize and respect the privacy of the reporting employee(s).

Specific examples of conduct prohibited under this policy include, but are not limited to, the following:

- Hitting, shoving, pushing, spitting on someone, obscene or threatening gestures, acts of physical intimidation such as standing inappropriately close to someone or pointing a finger close to someone's face;
- Threatening to harm an individual or his/her family, friends, associates, or their property;

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- Unauthorized possession or use of a weapon;
- Damaging or vandalizing city property or facilities, or the property of others;
- Intentional destruction or threat of destruction of property owned, operated, or controlled by the City of Tigard;
- Harassing or threatening telephone calls, letters or other forms of written or electronic communications;
- Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the city;
- Harassing surveillance, also known as "stalking," the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his/her safety;
- Making a suggestion or otherwise intimating that an act to injure persons or property is "appropriate," without regard to the location where such suggestion or intimation occurs.

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To protect the safety of city work sites, employees and others performing services for the city are prohibited from carrying, possessing or using guns or other dangerous weapons or devices on city property, except when specifically authorized and trained. This prohibition does not apply to an employee authorized to carry weapons as part of their job responsibility, such as police officers. "Deadly weapon" means a device, instrument or object that is specifically designed for causing death or serious physical injury. This prohibition applies to each employee, other than a sworn police officer, who has a concealed weapon permit. This prohibition does not apply to personal defense devices provided these devices are only used for personal defense.

Threatening or violent behavior from customers is not acceptable and will not be tolerated. Employees are directed to report the matter to their supervisor, department director or Human Resources immediately and to record threats in writing as soon as possible after the threat is communicated to management.

35.0 DRUG AND ALCOHOL FREE WORKPLACE

The City of Tigard recognizes that the use of drugs and alcohol which adversely affect job performance may constitute a serious threat to the health and safety of the public and employees and to the efficient delivery of city services. City employees are expected and required to report to work on time and in appropriate mental and physical condition for work. The use of illegal substances and abusive use of controlled substances by employees not only affect job performance, but decrease productivity, lower morale, and create a hazardous environment. Pursuant to the Drug Free Workplace Act of 1988 and in response to the growing awareness of substance abuse, the illegal or unauthorized manufacture, distribution, dispensation, possession, sale or use of alcohol or controlled substances

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while on city premises or while conducting City business is strictly prohibited and will not be tolerated. Employment with the city is conditional upon the employee's acceptance of the terms of this policy.

Violations of this policy will result in but is not limited to disciplinary action, up to and including termination. The following conduct is prohibited while on duty, during lunch and or breaks, or on paid standby:

- Use of alcohol
- Being under the influence of alcohol
- Being under the influence of drugs
- Having a detectable odor of alcohol on the breath
- Failure to report limitations or impairment caused by prescribed drugs or over the counter drugs
- Failure of an employee to submit to an alcohol or drug screening test pursuant to City policy

The unlawful buying, selling, transportation, possession, providing or use of illegal drugs is prohibited at all times.

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This policy is not intended to prohibit the safe and legal use of prescription and non-prescription medications. However, employees taking medication that may impede or otherwise affect their ability to safely and efficiently perform job assignments shall report the medication to their supervisor or department director immediately.

The City shall follow the Mandatory Drug and Alcohol Testing Program for Commercially Licensed Drivers (CDL) Policy for employees in positions subject to this policy where appropriate.

The City reserves the right to require employees and applicants to undergo the following tests designed to detect the presence of alcohol, illegal drugs, and other controlled substances:

Pre-Employment Drug Testing

Comment: Relocated here from another article

The City of Tigard, in a positive effort to provide a healthy and safe working environment for all its employees and the citizens of the community, requires a pre-employment drug screen. Finalists for city jobs must successfully pass the drug screen test as a final condition of the job offer. Temporary employees including agency employees must also successfully pass a drug screen test prior to employment. The confirmed presence of any illegal drug in the drug screen will be cause for disqualifying an applicant. If an applicant is taking prescription medication, this must be substantiated by a physician's report or statement. The report should

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indicate whether or not the taking of these legal drugs will prevent or alter the person's ability to perform essential job duties. If the report indicates the person cannot perform essential job duties while under the influence of these prescribed legal drugs, this shall be grounds for disqualification.

Post Collision Testing

Any collision or incident in the workplace involving a city employee performing city business or driving a city vehicle that results in property damage or physical injury to any person may also be considered as constituting reasonable suspicion for testing, if in the city's opinion, the use of alcohol or drugs may have contributed to the collision.

Reasonable Suspicion Testing

All employees reporting to work, conducting city business, or on city premises, shall be subject to drug or alcohol testing if the city has reasonable suspicion that the use of any drugs or alcohol is adversely affecting job performance or endangering the safety of employees or the public, or if there is reasonable suspicion that the employee is under the influence of drugs or alcohol. The decision to request a reasonable suspicion test must be based on specific actions or behaviors of an employee concerning the employee's appearance, behavior, speech or work performance or the odor of alcohol or other controlled substance emanating from the employee. Examples of actions or behaviors which may trigger reasonable suspicion testing include lack of dexterity or fine motor skills, slurred, confused or fragmented speech, difficulty focusing eyes, unusually hostile or abusive manner, abnormal conduct or erratic behavior not otherwise normally explained, the odor of alcoholic beverage or other controlled substance on breath, observation of alcohol or drug use, etc.

The employee will be given the opportunity to explain if his/her behavior triggers suspicion. However, the city reserves the right to determine whether reasonable suspicion exists. Only supervisors trained in the signs and symptoms of drug and alcohol use may order reasonable suspicion testing. The supervisor is responsible for ensuring the employee is escorted to and from the test collection site.

If it will not cause an unreasonable delay, a second supervisor, manager or director's opinion that a test should be required will be obtained. A written record will be made of the observations which support the reasonable suspicion testing. Reasonable suspicion testing is not the same as random testing.

The city can test at other times should the employee be on a performance plan, last chance agreement or other plan due to repetition of a drug/alcohol issue at the worksite.

An employee shall also be required to give Human Resources written notice of any criminal conviction involving illegal drug activity, driving while intoxicated (DUI) or for any other violations which include alcohol or drugs no later than five calendar days after the conviction. Once a verifiable conviction is reported, the city will be required to notify the Federal Justice Department within ten days after receipt. Incumbents in positions covered by

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the Department of Transportation's Mandatory Drug and Alcohol Testing Regulations will also abide by those requirements.

In the event an employee witnesses behavior during work or on the city's premises that appears to be in violation of this policy, the employee should report this concern to a supervisor or department director, or to Human Resources. If the employee believes his/her supervisor or other management employee is in violation of this policy, the employee should report this concern to the next level of supervisor or directly to Human Resources.

Employees needing help in dealing with substance abuse problems are encouraged to use the Employee Assistance Program and health insurance plans, as appropriate. It is the desire of the city to support all employees in their efforts to address personal issues with substance abuse, while at the same time ensuring that they will not endanger themselves or other persons. However, violations of this policy will result in disciplinary action up to and including termination. Continued poor performance or failure to successfully complete a rehabilitation program, are grounds for termination.

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Deleted: As part of the City's efforts to educate all employees about the potential personal and professional hazards of substance abuse, the City will provide an annual mandatory educational program. The City will provide a copy of the drug policy to all employees and include this policy in its orientation to new employees. Supervisors will also be required to attend a training program to help them recognize, document and handle performance related issues. Additional information is available through the City's Employee Assistance Program or by contacting Human Resources. ¶

36.0 SAFETY POLICY

The City of Tigard is concerned about the welfare and safety of employees and the public. The City acknowledges the obligation, as the employer, to provide the safest possible working conditions for employees, and, as a government service organization, to provide a safe environment for the public.

In order to ensure the effective implementation of the City of Tigard's Safety Policy, responsibilities shall be as follows:

The City Manager and department directors accept the responsibility for the development and maintenance of the safety program, for its effectiveness and improvement, and for providing the safeguards required to ensure safe working conditions.

The division managers and supervisory personnel are responsible for developing the proper attitudes toward safety in themselves and those they supervise, for ensuring that all operations are performed in a safe manner, providing adequate training procedures for operations, and reporting and investigating all incidents immediately.

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The employees are responsible for cooperation in all aspects of the safety program, observing safe working practices, complying with safety directions and procedures, and reporting all incidents immediately to the supervisor.

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The Safety Officer is responsible to coordinate and guide the overall City Safety Program, serving as a resource to departments as individual safety training programs are developed, reviewing incident reports, and providing adequate information sharing between departments and the various insurance carriers.

Deleted: (Risk Management Division)

Penalties for Violation of the Safety Policy

In order to maintain a safe and productive work environment, a violation of this policy will be considered a very serious case of misconduct and subject to disciplinary action up to and including termination.

Further information and procedures related to this policy are contained in the City of Tigard's Risk Management Manual.

37.0 RECRUITMENT AND SELECTION

The City of Tigard seeks to ensure that each position is filled by an employee whose experience, training and skills make him/her the best match for work. of the position. Further, the City seeks to assure fair treatment of all applicants and all employees in recruitment, selection and placement without regard to age, sex, marital status, race, creed, color, national origin, sexual orientation, mental or physical disability, or any other protected group status as defined by federal, state or local law. It is the policy of the City of Tigard to not accept, retain, or respond to unsolicited resumes or applications.

Job Announcements

Recruitment announcements shall be posted by position in for the length of the application period. Position vacancies may also be advertised in the appropriate labor market. In keeping with the city's commitment to equal employment opportunities, an effort will be made to announce position vacancies with resources likely to provide qualified, protected-class applicants. Positions may be opened internally (for City of Tigard regular and temporary (non-agency) employees only), or externally (for city employees, volunteers and non-employees), at the discretion of the department director and as prescribed in applicable labor agreements. Internal postings shall be announced at least five (5) working days, unless otherwise specified in collective bargaining agreements. External announcements shall be announced as determined by the Human Resources Director and hiring department director. Previously certified lists of qualified candidates may be used to fill a vacancy as specified by these rules and in accordance with posting requirements of bargaining agreements. Deadlines for job openings may be extended by reopening the position, with or without additional advertisement, if, in the view of the Human Resources Director, insufficient applications from qualified persons are received.

Deleted: Human Resources and each City facility

At the discretion of the Human Resources Director, job announcements may be posted for individual positions or to establish a pool of qualified candidates for anticipated vacancies. Exceptions to the recruitment and posting requirements may be made for department director and assistant city manager vacancies at the discretion of the Human Resources Director.

Deleted: All applicants will be asked to voluntarily complete a form providing information regarding ethnic background, date of birth, sex, etc. The form shall state that the information is voluntary and will be used only for applicant profile purposes, and that the form will be detached from the application materials prior to any evaluation of the application.¶ Late applications will not be accepted except in the case of extraordinary circumstances as determined by the Human Resources Director.¶ When it is determined appropriate by the Human Resources Director, application materials received for one vacancy may be considered for a subsequent vacancy in the same job classification

Applications

Human Resources will prescribe the application form(s) to be used for each recruitment that fairly test and determine the qualifications, fitness and ability of a candidate to perform the duties of the class for which they seek appointment.

Disqualification of Applicants

The Human Resources Director may disqualify an applicant from the selection process, refuse an applicant the opportunity to take an examination, and remove his/her name from a hiring list for reasons including, but not limited to:

1. Failure to meet the standard published requirements for the class for which application is made.
2. Failure to furnish true statements of material facts.
3. Practice or attempted practice of fraud or deception in connection with filing of an application.
4. Failure of an applicant, after notification, to be promptly present at the time and place designated for any portion of an examination.
5. The applicant has used, or attempted to use, political pressure or bribery to secure an advantage in testing or appointment.
6. The applicant has been convicted of a crime directly related to the requirements and performance of the position.
7. The applicant is a previous City employee who was terminated from City service or who resigned or retired in a manner in violation of City policy.
8. The applicant has refused to submit to required screening or examination requirements for the position.
9. The applicant is unfit or unable to perform the duties of the position based upon standards established by the City.
10. The applicant has otherwise violated policy, procedures, rules or regulations relating to the application process.
11. The applicant has failed to respond to an employment offer made by the City.

Offers of Employment

When a final selection has been made for the vacancy to be filled, the hiring department director or supervisor shall issue a written conditional offer of employment to the chosen candidate. Such offer shall state the position being offered, salary, starting date and any other conditions of employment. In addition, the offer shall notify the candidate that employment is contingent upon passing a pre-employment drug screen and, where appropriate, a pre-employment physical and/or psychological examination.

Deleted: In order to be considered for a position, an application must be completed and signed, or a resume submitted and filed by the stated deadline date.¶

Applicants must generally be at least 18 years of age. Applicants under 18 years of age must obtain a work permit from the Oregon State Bureau of Labor. Applicants who are not citizens of the United States must be of a status that allows them to work in the United States. Selection The Human Resources Director, with the advice and participation of the hiring director, will determine the selection procedures to be used to obtain the candidates who best match the requirements of the position. Tests or selection mechanisms may include but are not limited to performance tests, experience and education ratings, oral examinations; demonstrations of skill and tests of physical fitness and written examinations.¶

If the duties of the position require it, final candidates may be scheduled for a pre-employment medical or psychological evaluation with a licensed physician or psychologist selected by the City. Current employees being considered for transfer or promotion may be required to update health or other background information or to submit to a physical or psychological examination. If the physician or psychologist, based on standards established by the City, deems any candidate to be unable or unfit to perform the duties required of the position, they shall file a report stating the reasons for making such a determination and the reasons for their rejection of the candidate. The City Manager shall make all final decisions regarding the reports filed by the physician and/or psychologist. These reports may be held in confidence by the

Deleted: The candidate shall also be advised that a written acceptance of the conditional job offer is required within ten (10) calendar days of the receipt of the offer. ¶

38.0 EMPLOYMENT OF RELATIVES/DOMESTIC PARTNERS

It is the policy of the City of Tigard that two relatives or domestic partners may not be employed, or considered for employment whenever one person might have supervisory or management responsibilities affecting the other in such matters as wage and salary administration, employee evaluation, transfer, promotion, assignment of work, discipline, adjustment of grievances, or any other recommendations of personnel action, or whenever such employment is deemed by the City Manager to be a conflict of interest.

For the purposes of this policy, relatives are defined as being an individual's spouse, mother, father, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandfather, grandmother, step-son, step-daughter, step-parent, sister, brother, sister-in-law, brother-in-law, uncle, aunt, niece, nephew, grandchild, domestic partner or any other relative.

If any of these conditions exist the city will ask that one of the employees transfer to another position provided openings exist for which he/she is qualified, or resign, within 120 calendar days of the change in status. If the individuals involved do not agree as to who will resign, the City Manager shall decide based on merit and the needs of the city.

The provisions of the section shall not be retroactive.

39.0 TEMPORARY EMPLOYEES/INTERN EMPLOYMENT

Temporary Employees

Temporary employees may be hired to perform temporary or seasonal work. Temporary employees may not work more than 1,040 hours in a twelve (12) month. Employment of temporary employees may be terminated at the sole discretion of the department director and/or City Manager. Temporary employees are not eligible to participate in the fringe benefit package offered to regular employees and do not receive sick leave, vacation leave, or holiday pay. Temporary employees are covered by the city's liability and worker's compensation insurance, and may be eligible for unemployment compensation upon termination pursuant to law.

A temporary employee may apply for regular City positions as an internal candidate.

An offer of temporary appointment shall be made in writing and shall clearly state the temporary nature of the work, expected duration of employment, a statement that the employment may be terminated at any time at the sole discretion of the city, and the absence of any fringe benefits.

Temporary employees, including agency personnel, are required to pass the city's pre-employment drug screen and may be subject to verification of applicable motor vehicle license and acceptable driving record prior to employment with the city.

It is the obligation of the hiring department to maintain records of the hours worked by temporary employees and to ensure that employment does not exceed the limit established in applicable labor agreements.

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Deleted: whose anticipated duration is less than 1,040 hours in a year.

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Deleted: A temporary employee may apply for regular City positions as an internal candidate.

Deleted: When a department utilizes the services of a temporary service agency neither a written offer of employment nor a Personnel Action form is required.

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Temporary employees usually will be paid at a rate within the salary range for the job class which most nearly describes the nature of the duties assigned to the employee.

Temporary Service Agencies

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The city may contract from time to time for temporary service and/or with outside temporary employment agencies. Temporary employees, regardless of the source, are required to pass the city's pre-employment drug screen and may be subject to verification of applicable motor vehicle license, acceptable driving record and other background verifications prior to employment with the city. Departments employing temporary employees from outside agencies must use proper purchasing procedures under the City's Purchasing Rules.

It shall be the department director's responsibility to ensure that independent contractors meet all of the criteria under ORS 670.600 which defines the standards for an independent contractor (versus an employee) and possess all applicable certificates of insurance.

Intern Employment

The city may place, or contract with other agencies to place, student interns on projects of limited duration with the city. An intern is usually a full or part time student at an accredited college or university whose work with the city is within their course of study.

Guidelines for the employment of student interns are as follows:

Interns shall be required to pass a pre-employment drug screen prior to appointment;

If applicable to the duties of the position, a student intern may be required to possess a valid driver's license and to show proof of an acceptable driving record prior to appointment;

Interns receive no benefits, and are not eligible for vacation, sick leave or holiday pay;

Interns may be paid at the rate specified by the educational institution through which they were hired, or, if there is no rate specified, the department may determine an appropriate wage;

Interns shall be covered by the City's general liability and worker's compensation insurance coverage, but shall not receive nor accrue any other benefits generally received by regular employees.

40.0 OUTSIDE EMPLOYMENT

No employee shall accept or retain paid outside employment, whether part-time, temporary or permanent, without prior written approval of the department director. Each change in outside employment shall require separate approval. A leave of absence will not be granted to accept outside employment.

The department director shall approve outside employment when the employment is compatible with their city employment, does not detract from the efficiency of the

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The City may utilize the services of an independent contractor to meet short term non-recurrent or special project needs. It shall be the department director's responsibility to ensure that the contractor meets all of the criteria under ORS 670.600 which defines the standards for an independent contractor (versus an employee) and possesses all applicable certificates of insurance.¶
ORS 670.600 provides the following standards in order for a business entity providing labor or services to be considered an independent contractor. They must be:¶
<#>free from direction and control over the way the work is done except insofar as the employer accepts or rejects the results of the work;¶
<#>responsible for obtaining all applicable business registrations or licenses;¶
<#>furnish the necessary tools or equipment;¶
<#>determine his or her own work hours;¶
<#>have the authority to hire and fire other employees to perform the labor or services;¶
<#>receive payment upon completion of the performance or an annual or periodic retainer;¶
<#>represent to the public that they are an established business and typically work for two or more different persons during the course of a year;¶
<#>pays federal or state income taxes in the name of the business, or a Schedule C on a personal tax return;¶
Departments may not enter into contracts to provide labor or services with individuals who do not qualify as independent contractors under the law.¶

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employee's city work, does not conflict with the interest of the city, is not a discredit to the city, and/or does not constitute an appearance of impropriety. An employee cannot be a contractor or a sub-contractor on City projects, where the work performed is similar to the employee's city job. Extra duty required by city employment will have preference over outside employment.

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An employee's private business may not be conducted during work hours. An employee may not use city equipment, materials, facilities or time in the conduct of outside employment. Employees may not market or solicit outside employment business during work hours or on city property without prior written approval of the department director. An employee's position with the city may in no way be used as a means of receiving referrals, information or other benefits for the outside employment.

Under no circumstances may city equipment or resources be used in outside employment. The department director may at any time revoke permission to hold outside employment.

41.0 BACKGROUND CHECKS

Background checks are conducted to ensure the continuing safety of our workforce and citizens, and the security of city resources. It is the policy of the City of Tigard to conduct and/or request driving, criminal, civil, financial and/or other background records and checks appropriate to the position on final external applicants for city positions, including job classifications whose duties require a security clearance to operate within a Police or Court System. At the discretion of the department director, record investigations may be also be conducted on final internal applicants for, and current employees in, appropriate job classifications including but not limited to positions that work with vulnerable customers (children, elderly and the disabled), have direct and unauthenticated access to the City's network resources, financial operations and/or those positions requiring security clearances to operate within a Police or Court System. Department directors may also request record investigations on volunteers and persons hired through temporary employment agencies or as independent contractors. The Human Resources Division will coordinate all background and investigations, except for Police Department positions.

Deleted: Record checks will be conducted only once on employees who were hired before this policy was implemented.

All City employees are required to report all criminal convictions and injunctions or restraining orders filed against them to their supervisor and the Human Resources Division immediately. Failure to do so may result in discipline up to and including termination.

Method and Timing

All job applicants will be advised in writing that an appropriate background/record investigation is requested on the final candidate. All applicants who reach the final selection stage must sign a waiver permitting access to their records. The final candidates will be notified that the job offer is contingent upon passing the background check. The same process will be followed for in-house applicants and current incumbents for the job classifications specified by the department director.

If there will be a significant delay before the record investigation is complete, the applicant may begin working, but only under direct supervision and with written notification that employment may be terminated if a record is revealed that would justify doing so.

Use of the record and a third party investigator will trigger reporting requirements under the Fair Credit Reporting Act (FCRA). These include providing the applicant or employee with a notice of the decision not to hire or other employment action, a copy of the report, and a copy of his/her FCRA rights before any adverse action is taken.

Background checks and records are confidential and will be kept in the Human Resources Division, except for those records retained within the Tigard Police Department. Appropriate background information will be shared with the hiring authority and/or department director when that information is needed to make the evaluation described below. Unauthorized access to or disclosure of these records is subject to discipline, up to and including termination.

Process if a Record Exists

Human Resources will notify the department director of any record on an applicant, and the decision concerning application selection will rest with the department director. In cases concerning a current employee, the decision will also rest with the department director. The department director will evaluate:

1. Whether the city's interests justify termination of employment or disqualification of the applicant based on the background record;
2. Whether the applicant/incumbent disclosed the information on the employment application;
3. The nature and gravity of the offense and whether it indicates a propensity to cause harm to other employees or citizens in the community;
4. The time that has passed since the conviction or completion of sentence;
5. Whether the individual completed treatment or rehabilitation;
6. The relationship between the nature of the offense and the job in question

42.0 EMPLOYEE PICTURES

At the time of hire a photograph will be taken of each employee to be used for city of Tigard identification/security badges. These photographs may also be placed on the internal web site. In addition, candid photographs may be taken of employees at a variety of city sponsored events and placed on the city's internal website. Employee pictures, as described above, are intended for internal use only and may not be downloaded, forwarded, or

reproduced other than for internal city purposes without the expressed written permission of the employee.

43.0 NEW EMPLOYEE ORIENTATION

The Human Resources Division shall conduct a "new hire" orientation meeting with all newly hired employees. It shall be the responsibility of the department in which the employee has been hired to ensure that the new employee reports to Human Resources on their first day of employment to complete their Verification of Employment (I-9) and W4 forms. Individual departments are also responsible for supplementing the "new hire" orientation by providing the new employee with more detailed information relating to operations of the department.

Deleted: Director or other designated staff member in Human Resources

44.0 PERSONNEL RECORDS

The Human Resources Director of the city shall initiate and maintain a personnel file for each employee of the city. This collection of files shall be kept in Human Resources. The personnel file will contain the employee's name; positions and departments to which the employee has been assigned while employed by the city; employment application materials; notification of employment; salary history; changes in employment status; performance, progress, and merit evaluations; training records; written disciplinary actions; written commendations; and any other pertinent information required to allow the city to comply with Federal, State, and other agency laws, rules, and regulations. Department directors may maintain a separate training record for employees in their department. These training records shall be considered a part of the employee's personnel record.

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Employee personnel records are confidential and shall be accessible only to the following persons/agencies:

- The employee
- The City Manager
- The Human Resources Director
- Employees in Human Resources designated by the Human Resources Director
- The employee's Department Director or their designee
- The employee's Supervisor
- Federal, State, and other agency representatives that have lawful access to the records
- Legal counsel employed by the City

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No portion of the employee's personnel file shall be made available to any other person than those listed above without the written consent of the employee or by order of a court of competent jurisdiction, or a decision by the District Attorney that the file is public record and subject to disclosure.

An employee may place pertinent and appropriate information in their personnel file with the approval of the Human Resources Director.

Any general inquiries regarding either current or former employees shall be limited to the following information, unless authorization has been made by use of the City's Reference Consent Form:

- Verification of the individual's employment status with the city
- Verification of the employee's starting and ending date of employment
- Verification of the positions the employee has held while employed by the city
- Verification of the employee's salary range

An employee may obtain copies of any portion of their personnel file by making a written request to the Human Resources Division.

45.0 JOB ATTENDANCE

In accordance with the City's commitment to provide the highest level of public service to its citizens, each employee is required to meet certain standards of attendance and punctuality. Continued employment carries with it the personal responsibility of each employee to be on the job on time every scheduled workday. Recurring and excessive absences and/or tardiness is disruptive to work schedules, costly to the City and its residents, and detrimental to the morale and efforts of employees who maintain a good work record. Employees who do not maintain a satisfactory record of attendance and punctuality will be subject to disciplinary procedures up to and including termination.

Hours of Work/Work Schedules

A work day and work week shall be established by the department director which is consistent with the law, collective bargaining agreements and operating needs of the department. The standard schedule shall be either eight hours per day for a five-day week or ten hours a day for a four-day week; however, department directors may establish alternate or flexible work hours, work days or work weeks to accommodate the department's operating requirements. Alternate or flexible work schedules shall be established in writing and may be changed by the department directors for any reason. Employees working alternate schedules shall be held to the same standard of attendance and punctuality as those working a standard schedule.

Deleted: , and kept on file with the Payroll Division of the Finance Department.

Meal Periods/Rest Periods

Pursuant to State of Oregon Wage and Hour Law (OAR 839-20-030) all employees who work shifts of six or more hours are entitled to a meal period of not less than thirty (30) minutes and a rest period of not less than ten (10) minutes for every segment of four hours worked.

City of Tigard employees are provided either thirty (30) minutes or one (1) hour per eight-(8) hour shift as a meal period depending on department operating needs. This time is unpaid as long as an employee is relieved of all duties. Any work to be performed during a lunch period must be approved in advance by the supervisor. If an employee performs any

job duties during the meal period, the time shall be paid. In addition, city employees are provided a 15-minute rest period during each one-half shift. It is the responsibility of the immediate supervisor to ensure that all employees have meal/rest periods available to them that is appropriate to their department operations. Departments should consult any applicable collective bargaining agreements for variations to these policies.

Attendance/Punctuality

All employees are expected to report for work on every scheduled workday at their scheduled starting time, unless authorized for a different work schedule by their immediate supervisor. Employees shall comply with departmental notification procedures if unable to report for work on time or if an extraordinary circumstance occurs which will cause them to be absent. It shall be the responsibility of the department director, in coordination with subordinate supervisors and managers, to ensure that standards of attendance and punctuality are maintained within his/her department.

Excessive absence or habitual tardiness may be cause for disciplinary action. It shall be the responsibility of the department director in coordination with subordinate supervisors and manager to ensure that standards of attendance and punctuality are maintained within his/her department. Any employee who is absent from work for three or more days without authorization shall be considered to have abandoned his/her position and shall be assumed to have resigned. When mitigating circumstances are found to have existed at the time of the absence, the individual may be reinstated to their position at the sole discretion of the City Manager.

Work Location

All employees shall report to their assigned work location every scheduled working day unless prior authorization is received from the immediate supervisor for an employee to work in or report to a different location. At the sole discretion of the City Manager, a telecommuting option may be implemented as follows:

Telecommuting is using technology to enable an employee to work at a location other than the usual work setting. Its goal is to enhance productivity, increase customer service and accommodate employee's special needs. It is not a universal employee benefit, nor a condition of employment, but rather a voluntary arrangement between the employee and the City which may be discontinued at the discretion of the city. Telecommuting may be instituted on a full or part time basis with the prior approval of the department director if, based on a full analysis of the employee's position, it is determined that the nature of the duties and responsibilities of the position qualify for telecommuting, the cost to the city of required supplies and equipment is justified, and there is significant benefit to the public service in instituting a telecommuting option.

46.0 PAY DATES

The established pay cycle for the city is biweekly (every other Thursday). When the regular payday is a holiday, paychecks shall be issued on the previous business day.

Employees may elect to have their paychecks directly deposited to one or more financial institutions. This option is administered through the Payroll Division of the Finance and Information Services Department.

The six-month period limitation for each type is defined as July 1st to December 31st and January 1st through June 30th.

The City expressly prohibits improper salary deductions. Any employee who believes their salary has been reduced in violation of the law should report the matter as soon as possible to the Financial and Information Services Department. If corrections are in order, the department will work with appropriate personnel to ensure steps are taken to reimburse for any improper deductions and to demonstrate the city's good faith commitment to comply with this policy in the future.

47.0 TRAINING, EDUCATION, TRAVEL AND EXPENSE POLICY

Purpose

The City recognizes the value of allowing employees to participate in conferences, seminars, training, college courses, and meetings that will enhance the employee's ability to provide a high level of public service. City officials and employees should exercise good judgment, regard for economy, and recognition of proper use of public monies when selecting training, meetings, courses, conferences, etc. in connection with city business.

Also, this policy establishes guidelines regarding travel for the conduct of official city business and for the payment of, or reimbursement of, expenses incurred while performing such travel. All employees are expected to follow the guidelines outlined in this policy.

Scope

This policy is applicable to all city employees. Departments may apply additional requirements so long as they are equal to or more restrictive than these standards. This policy works in conjunction with all collective bargaining contracts and the Training, Education, Travel and Expense Procedures.

Policy Statement

Training, education, and travel expenses must have a public purpose and serve the public interest. All training, education, and travel expenses must be reasonable and necessary to conducting city business. Persons traveling on city business are expected to be prudent and only incur costs they normally would incur if traveling on their own expense. Travel expenses solely for the benefit of an individual are not allowable. The city will not pay travel costs for persons not employed by the city unless the person 1) incurs the cost as a member of the City Council or a committee, or 2) has traveled at the specific request of the city, or 3) is serving as a volunteer to a city program, or 4) is providing services under a contract requiring such payment, or 5) is approved by the City Manager.

Deleted: Emergency Advance Paychecks

In extraordinary circumstances, an employee may receive an emergency advance on wages earned. An employee needing an emergency advance on wages shall request such advance in writing to his/her supervisor stating the reason for the emergency request. The emergency advance is limited to twenty-five percent (25%) of the net pay for hours worked during the pay period, and is limited to one in a six-month period. Approval is at the sole discretion of the department director.

Deleted: Early Paychecks

If an employee who is not participating in the direct deposit option will be on vacation or other approved leave on payday, a request for an advance paycheck may be made during the pay period preceding the pay period for which the advance is requested, and if the request is granted, the advance check will be issued with the payroll check for the pay period prior to the payday on which the employee will be on leave. Advance paychecks are limited to one in a six-month period. Approval is at the sole discretion of the department director.

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Deleted: All training, education, and travel expenses must be pre-approved by the department director and the City Manager.

Training and Education

The term “training” as used in this policy is intended to include conferences, seminars, workshops, one day courses at an educational facility or on-line, or other professional development programs of a similar nature. The term “college courses” is used to describe coursework taken through or on-line from an accredited college, university, and/or business or technical school.

The Training and Education policy is intended to apply only to programs that:

- Enhance the employee’s job performance
- Serve as a beneficial retention tool in keeping high quality employees
- Are required for certification or licensing
- Appropriate for career development plans

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Applicable collective bargaining agreements must be consulted for language specific to training and/or educational reimbursement policies.

Deleted: Training programs, not college courses, are intended for career development purposes. Supervisors need to be very clear regarding the expectations they may create regarding such things as future job opportunities with employees when paying or reimbursing for training that is related to career development.¶

The city retains the right to determine the mode of transportation most appropriate to the type of travel involved. Employees should consult the Training, Education, Travel and Expense Procedures for reimbursable modes of transportation.

Deleted: The City Manager shall sign-off on all travel/ training authorization forms.¶

Training Plan

All department directors requesting funding for any training and/or college course for their staff shall prepare a written departmental Training Plan as part of their annual budget submittal, which must include an explanation of the following:

- The requested funding for training and college courses for their department.
- A clear justification for each requested amount.
- An explanation of how these expenditures relate to the employee’s career development plans and/or performance goals.
- A prioritization of these requested expenditures in the event not all requests are approved.

The Training Plan will be submitted to the Human Resources Director and Financial & Information Services Director for review. All training and/or college courses approved for staff participation will follow the plan description.

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Supervisors should discuss training and/or college course work goals with the employee in their regular performance evaluation session and they should be specifically detailed in their written evaluation form.

Deleted: Until the Training Plan has been approved by the City Manager, requests for training and/or college courses will not be authorized. Once the department Training Plan has been approved, a

Training

Department directors need to evaluate the value of the proposed training and whether it is the best way to acquire the information for the city.

Deleted: All training must be tied to the department's Training Plan.

The city will pay for all registration fees for mandatory training programs. Employees should consult the Training, Education, Travel and Expense Procedures for reimbursable expenses related to travel, meals, and lodging in conjunction with training. Travel time will be handled according to applicable collective bargaining agreements and/or city policy, state or federal law, as appropriate.

When appropriate, employees may be asked to share/present information they have received from their training to others in the department.

The department director may authorize the payment of expenses for voluntary training as they deem appropriate providing the training is beneficial to the department and/or city operations.

Deleted: Participants must complete an evaluation summary form regarding the training program available from Human Resources after attendance at training. This form will be placed in the employee's personnel file.

All arrangements for training will be made in the most cost and time efficient manner as possible.

Deleted: and included in the Training Plan.

Only expenses for the employee will be paid for. All books and materials paid for by the City of Tigard will become the property of the city.

Education (College Courses)

The city does not intend to pay employees to obtain college degrees. Rather, it will reimburse for individual college courses only. The course must be related to the current job that the employee holds, a personal training plan or a career development plan approved by the department director.

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Mandatory college courses, which are job-related, shall have tuition, books and hours attended reimbursed by the city. Employees should consult the Training, Education, Travel and Expense Procedures for reimbursable expenses related to travel, meals, and lodging.

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College courses that are not mandatory, but are job related, will have only tuition, books, and related materials (to be retained by the city) reimbursed by the city. Non-mandatory college courses that are not job related shall have none of the above reimbursed for by the city.

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In those instances where the city reimburses for some or all of the expenses, employees must document satisfactory completion of the course.

To be eligible for reimbursement of non-mandatory college courses that are job related as described above, employees must receive a grade of "C" or better, or "Passing" for the course and provide written evidence of that to their supervisor. If the employee does not receive a passing grade for the course, they will not be reimbursed.

The city will provide tuition reimbursement for college coursework not to exceed the tuition level established by the State of Oregon Higher Education Department for State colleges/universities. Department directors need to explore less costly college courses available at other institutions before finalizing their Training Plans.

Prior to an employee participating in a college course, which may include reimbursement by the city, the employee will be required to sign a written authorization to have any costs reimbursed by the city deducted from their paycheck, should they fail to comply with the reimbursement guidelines.

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The following reimbursement guidelines shall be enforced when an employee separates from the city service for any reason.

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- Within one year of the completion date of the class, 100% of the amount of reimbursement will be deducted from the employee's final paycheck.
- Between one and two years after the completion date of the class, 50% of the amount of the reimbursement will be deducted from the employee's final paycheck.
- After two (2) years from the completion date, no amount will be deducted.

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If the reimbursement amount owed is more than the final paycheck, the employee must pay off the remaining amount. Failure to re-pay the amount owed to the city will result in the outstanding amount being turned over to a collection agency.

Department directors are responsible for monitoring these reimbursement requirements.

Travel and Expense

The City of Tigard will only pay or reimburse travel, meal and other expenses that are deemed non-taxable by the IRS unless specified by union contract. The paid and reimbursement amounts will be determined by IRS guidelines when applicable. Employees should consult the Training, Education, Travel and Expense Procedures for detail on which expenses will be paid or reimbursed.

Employees may not accrue frequent flyer miles for personal use. If employees do accrue personal frequent flyer miles while traveling for city business, the miles must be retained and applied to city travel in the future.

The city retains the right to determine the mode of transportation most appropriate to the type of travel involved.

Travel time will be handled according to applicable collective bargaining agreements and/or city policy, state, federal law, as appropriate.

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Any expenses for family members or other non-city employees who accompany the employee on a trip are not reimbursable.

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48.0 WRITTEN DEPARTMENTAL RULES AND STANDARD OPERATING/ PROCEDURES

Each department director may establish such written rules and standard operating procedures as may be deemed necessary for the efficient and orderly administration of their department. Such rules and procedures may be in the format and detail as determined by the

department, however, they must be consistent with the policies, procedures, rules and regulations established in this manual.

Copies of the applicable departmental rules and operating procedures shall be available to all employees. It shall be the responsibility of the department to ensure that appropriate copies of the rules and procedures are provided to Human Resources and the office of the City Manager.

49.0 ELECTRONIC COMMUNICATION

It is the city's goal to enhance both external and internal communication through the use of various electronic communication tools. All electronic communication tools purchased by the city are the property of the City of Tigard. Employees should have no expectation of privacy in connection with the transmission, receipt, or storage of information in these electronic communication devices. Any personally owned electronic communication devices an employee uses for city business are also governed by this policy. The city follows the standards and practices set by the Oregon Government Standards and Practices Commission.

Telephones/Voice Mail

The ability to make outgoing and receive incoming telephone calls is an essential element of the City of Tigard's ability to provide service to the public. The city's telephones and voice mail system are intended to be used only for official business.

The city believes, however, there are occasions when employees may use telephones for personal purposes without such usage being at odds with the law. It is normal practice by both public and private employers to permit employees to use business telephones to talk to family members, make medical appointments, schedule service technicians, confer with children's schools, and take care of any of a variety of other matters which can only be accomplished during "regular" work hours. The city believes it is less disruptive to permit employees to make such personal calls at their workstation than to require an employee to take a break or leave from work to take care of personal matters.

Personal telephone calls made during working hours from city telephones should, of course, be brief and infrequent. Personal long distance calls, even if the employee reimburses the city for the cost, may not be made on city telephones. If it is necessary for an employee to make personal long distance calls while at work, such calls must be made with the employee's personal calling card, by placing a collect call, or by calling from a pay phone. This section does not apply to wireless phones.

Cellular Telephones

The city provides cellular phones to their employees specifically to facilitate the carrying out of official business. The city's cellular phones are not for the convenience or personal use of employees. This policy also applies to all City of Tigard employees and their use of personal cellular telephones during work hours. The two components of this section include: (a) use of city cellular phones and (b) use of personal cellular phones.

(a) Use of city Cellular Phones

The instances when an employee may use a city cellular phone for personal purposes are limited. An example of an occasion when an employee's personal use of a city cellular phone would not violate Oregon Government Standards and Practices Commission guidelines would be to contact a spouse or childcare provider to advise that the employee is going to be late getting home or picking up children for a reason directly related to official duties such as a meeting which ran later than expected or a last minute change of schedule. Another permitted personal use of a city cellular phone by an employee would be receiving an incoming call regarding a family emergency. Employee will not be required to reimburse the city when the cellular telephone call follows these guidelines; that is, the personal call is directly related to official duties.

A city employee cannot make a personal cellular call even if he or she intends to reimburse the city at a higher rate than that generally available to the public.

(b) Use of Personal Cellular Phones

It is the city's goal for employees to perform their duties in a productive manner without the interference of personal cellular telephone calls. Employees may not activate or use personal cellular telephones during normal work hours or in staff work areas. Use of personal cellular telephones is permitted during an employee's personal time (rest and meal periods as referenced in Citywide Personnel Policy No. 45.0, Job Attendance) and outside the workplace.

Exceptions may be made to this policy on a limited basis based on an employee's need and with approval of the department director. Employees requesting an exception to this policy must submit their request to their department director for approval.

Employees who violate any citywide personnel policy are subject to disciplinary action, up to and including termination.

Personal Digital Assistants (PDA)

This policy applies to all employees who use either a personal PDA or a city purchased PDA when conducting city business. PDA's include wireless devices that may have phone and internet capability.

Department directors are responsible for determining if it is in the best interest of the city to equip an employee with a city funded PDA. The city recognizes the benefit of having a complete schedule, that includes both city and personal appointments. Therefore, posting and synchronizing of personal appointments between a city computer and a personal PDA

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is permitted in order to provide a complete view of an employee's schedule if the department director has authorized the use of a personal PDA.

Employees who wish to furnish their personal PDA, purchased with personal funds, are subject to this policy if they use their PDA to conduct city business. The city may restrict the make and model of any PDA hardware and software which may connect to a city computer.

Employees acknowledge that information on the PDA may be public record and must be kept according to the city's retention schedule and the employee's personal PDA may be subpoenaed to verify all city information has been provided if so requested.

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Department directors will insure the "Request to Use Personal PDA" form is completed for any employee who requests usage of a PDA for city business.

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In the event of a lost or broken PDA purchased with city funds, the Department director will determine if the loss occurred as a result of employee negligence when deciding whether the city will purchase a replacement PDA. In the event of a lost or broken PDA purchased with personal funds, the city will follow Citywide Personnel Policy 55.0.

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Computers/Internet/E-mail

This policy applies to all City of Tigard employees and their use of city computers, the electronic mail (e-mail) system and the Internet.

It is the city's goal to enhance both external and internal communication through the use of various electronic communication tools. All electronic communication tools purchased by the city are the property of the City of Tigard. Any personally owned electronic communication devices an employee uses for city business are also governed by this policy. Employees should have no expectation of privacy in connection with the transmission, receipt, or storage of information in these electronic devices. Any individuals using this system are subject to monitoring and all individuals using the system without authority or in excess of their authority are subject to having all their activities on this system monitored, recorded and examined by an authorized person, including law enforcement, as system personnel deem appropriate. Any material so recorded may be disclosed as appropriate.

Information Sharing

Employees are not allowed to use a code, access a file, or retrieve any stored information, other than where authorized, unless there has been prior clearance by an authorized supervisor. City property or information that is confidential and/or proprietary cannot be shared with individuals outside of the City without prior clearance from a department director. Any employee who leaves employment with the city is prohibited from taking or copying any city property or information unless specifically authorized in writing by their department director.

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Personal Use

In general, employees may not use computers owned by the city for personal purposes. The City of Tigard's computer system is for authorized users only. There are some circumstances

where the City believes the use of computers for personal purposes does not violate the Oregon Government Standards and Practices Commission guidelines. For example, an allowable use would be the preparation of application materials for a different position within the city or term papers for a city-sponsored class.

The personal use of city computers, with the exception of e-mail and the Internet, is permitted with the department director's approval:

- during an employee's lunch period,
- one hour before their normal work schedule begins,
- one hour after their normal work schedule ends, and
- the time between the end of the employee's "work shift" and the beginning of an evening meeting that the city requires the employee to attend.

Personal use of the e-mail system and the Internet is not allowed at any time except as described under Internet Access.

No personal use of city computers is allowed on an employee's day off unless the use is related to an educational purpose that is consistent with the city's policies and has been pre-approved by the employee's department director.

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Personal use of the computer system may not interfere with the employee's work, another employee's work or have an undue impact on the network. Playing games on the city's computers is not allowed. Sending large attachments (greater than two megabytes) to multiple people, distributing hoaxes, and spamming are examples of e-mail usage that could affect employee time or system capacity.

Internet Access

The city has equipped their computers and some PDAs with access to the Internet in order to have access to information and to provide information to the public. Personal use of the Internet is only allowed a) with the department director's approval, or b) to access city sponsored benefit sites or c) to schedule medical appointments for the employee or their immediate family. No access to any investment, deferred compensation or retirement benefit sites or accounts is allowed.

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City equipment may not be used at any time to access inappropriate sites or to transmit or receive inappropriate information. Pornography, hate groups, and off shore gambling are examples of inappropriate sites and accessing these sites is a misuse of city property.

The city recognizes that occasionally, while in pursuit of valid city business, an employee may inadvertently follow an Internet link that leads to an inappropriate web page. If this occurs, it is not necessary for the employee to respond to the owner of the page, but the employee must immediately notify his or her supervisor of what happened. Copies of e-mail and accessed web pages remain in the system for a period of time and the city may retrieve e-mail and web site histories. It is for the employee's own protection that any anomalies are documented.

Information Technology Access Policy

Information technology includes but is not limited to all individual computers, computing and electronic communications devices and services, telecommunication devices, e-mail, networks, telephones (including cellular), voice mail, fax transmissions, video, multimedia, applications and instructional materials.

Access rights to information/data stored on city-owned equipment will be given on an as-needed basis. Only those rights needed to accomplish tasks related to their job function will be granted. Authorized users of the city's computer network include city employees and other individuals who are contracted to help support the city systems. Information/data and systems may only be used by authorized individuals to accomplish tasks related to their jobs. Any other use is strictly prohibited.

Data of a confidential nature must be protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

City of Tigard Information Technology staff is granted access to information technology resources in order to facilitate their job activities. However, by using these resources, staff agrees to abide by all relevant City of Tigard policies and procedures, as well as all current federal, state, and local laws. These include but are not limited to personnel policies and procedures related to harassment, plagiarism, commercial use, security, unethical conduct, and laws prohibiting theft, copyright and licensing infringement, unlawful intrusions, and data privacy laws.

Information Technology staff is responsible for reviewing, understanding, and complying with all policies, procedures and laws related to access, acceptable use, and security of the City of Tigard information technology resources.

The City of Tigard recognizes the importance of preserving the privacy of users and data stored in information technology systems. Staff and 3rd party contractors must honor this principle by neither seeking to obtain unauthorized access to information technology systems, nor permitting or assisting any others in doing the same. Furthermore, staff and 3rd party contractors must not make or attempt to make any deliberate, unauthorized changes to data on an Information Technology system. Staff must not intercept or attempt to intercept or access data communications not intended for that staff member, for example, by "promiscuous" network monitoring, running network sniffers, or otherwise tapping phone or network lines.

There may be occasions when users' information/data will need to be accessed without the users' permission, for example, accessing a user's email or data while they are absent and cannot be contacted. When these occasions arise the Information Technology staff member must obtain written permission from the Department director or City Manager prior accessing the information/data. Staff must not conceal their identity when using Information Technology systems, except when the option of anonymous access is explicitly authorized. Staff is also prohibited from masquerading as or impersonating others or otherwise using a false identity.

Without specific authorization, Staff may not remove or modify any City of Tigard owned or administered equipment or data from Information Technology systems.

Off Site Information Technology Equipment and Data Use Policy

Information technology equipment and data includes but is not limited to all individual computers, computing and telecommunication devices, telephones, all city records, and instructional materials.

Employees are required to obtain permission from their supervisor prior to taking computer equipment off site. Department directors are responsible for knowing who within their respective departments has possession of and the location of all information technology equipment taken off site.

If the equipment has been kept off site for more than one month, and the equipment has been used on the internet and/or files loaded on any external devices attached to the computer equipment, it shall not be reconnected to the city's network without first being examined by Information Technology staff.

Employees are responsible for taking reasonable precautions against theft or damage to the computer equipment. Data of a confidential nature must be protected and must not be disclosed without authorization. Unauthorized access, manipulation, disclosure, or secondary release of such data/information constitutes a security breach. Failure on the part of an employee to take reasonable care to prevent such access may be grounds for disciplinary action up to and including termination of employment.

Software installations are to be performed by Information Technology staff only. Only software owned by the city and approved by the Information Technology Division shall be installed on city computers. Installation of personal software on any city-owned equipment is expressly prohibited.

Computer equipment may not be used to download, copy, or store any copyrighted software, publications, music, video, or other content without permission from the copyright holder.

Any theft or damage to computer equipment is to be reported immediately to the Information Technology Division and your supervisor.

When computer equipment is returned to the city, the user is required to notify his supervisor, and to send a Help Desk ticket to Information Technology Division notifying them of the change of status of the computer equipment.

E-mail

E-mail is a communication tool provided to city employees to assist them in the performance of their job duties. Personal use of the city's e-mail system is not allowed.

The city's e-mail system may not be used:

- to access an employee's personal Internet e-mail account;
- to send e-mail anonymously or under someone else's name;
- to support charitable, religious, or political activities or causes; and

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- to support other activities that are not related to the direct conduct of city business.

Users understand the city may monitor material created, stored, sent, or received on its computer network.

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Employee Responsibility

If an employee receives an inappropriate e-mail, he or she must immediately respond to the sender with a copy of the city's warning message, found in I:\citywide\EMAIL-WARNING.doc (Exhibit B.) **A copy of the response, including the original sender's name and e-mail address, must be sent to the employee's supervisor.** This is to show the supervisor the employee made a good faith effort to dissuade the sender from sending inappropriate material. It also provides the employee protection if inappropriate materials are found in the employee's mailbox or hard drive.

If an employee receives a personal e-mail, he or she must immediately respond to the sender with a message notifying the sender the employee may not receive personal e-mail at the city. An example is available at I:\citywide\personale-mail.doc (Exhibit C.)

Laws and Licenses Compliance

Users are required to comply with all software licenses, copyright laws, Oregon Government Standards and Practices Commission's guidelines, city policies, and state and federal laws when using the city's computers, sending or receiving e-mail or accessing or downloading information from the Internet.

Unauthorized duplication of copyrighted computer software violates the law and is contrary to the city's standards of conduct. Employees will not engage in nor make or use unauthorized software copies under any circumstances. Legally acquired software in sufficient quantities for all computers will be provided by the city's Information Technology Division to meet the legitimate software needs for city work. The city and its employees will comply with all license and purchase terms regulating the use of any software acquired or used.

Because copyright infringement is an unlawful act, the city will maintain strong internal controls to prevent the making or using of unauthorized software copies. Compliance with software licenses and copyright laws is required. Failure to comply with these standards shall be grounds for disciplinary action, up to and including termination.

System Security

All employees have a responsibility to take reasonable precautions to protect the city's computer system. Reasonable precautions include, but are not limited to, updating anti-virus software when requested by the Information Technology Division (IT), not allowing unauthorized access to the computer system, and safeguarding the employee's password.

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If an employee becomes aware of a virus or the threat of a virus, the employee should immediately contact IT, with the information. Information Technology will evaluate the risk and, if warranted, notify all employees of the precautions that need to be taken.

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Public Record

Under Oregon's public records law, most electronic mail messages are clearly public records. The definition of public records in ORS 192.005(5) "includes, but is not limited to, a document, book, paper, photograph, file, sound recording, or machine readable electronic record, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use."

Although some messages may not fall under the definition of public record, it is safest to assume all messages created could be considered public record. Since most messages are public records, the only privacy an employee can expect is that afforded through disclosure exemptions. The privacy afforded government employees using government e-mail systems is minimal and an employee should have no expectation of privacy.

Public access and exemption from disclosure

E-mail is considered correspondence and like other forms of public records it must be made available to any member of the public upon request. Unless an e-mail message falls within one of the specific exemptions described in the public records statute, the e-mail record must be produced upon request. A person need not have a "legitimate" need for public records to be entitled to inspect them.

Please check with your supervisor, or the City Records Section, if you have a question on whether an electronic mail message should be provided to the public.

Retention and Disposition

The retention of records stored in electronic records systems, including e-mail systems, is governed by the city's retention schedule. If you have a question about the retention of a message, please contact the City Records Section.

An e-mail mailbox should not be used for storage. If an e-mail has value it should be printed and put into the appropriate file. It is the responsibility of the holder of the official record to make sure the file is updated. For example:

- An updated record's policy is e-mailed to all employees. It is the responsibility of the person sending the e-mail to keep the record copy.
- A citizen calls and leaves a detailed message regarding a pending file; the receptionist forwards the message through the e-mail system. It is the responsibility of the person receiving the message to add the message to the file.
- E-mail related to a current project or issue may be retained on the system as a reference tool. Once the project is completed or the issue resolved the employee should verify all relevant e-mail is in the file and then delete the e-mail from their e-mail box.

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E-mail is a form of correspondence and must be kept in accordance with state retention requirements. The retention schedule for electronic mail records incorporates several correspondence record series. Examples are:

Record Series	Retention Period	Action to take
Correspondence		

Ephemeral (junk mail)	Retain as needed	Read and delete
General	1 year	Read, print and delete
Financial	3 years	Read, print and delete
Policy and Historical	Permanent	Read, print and delete
Program	Retain for the same period as the program or functional records series to which it relates	Read, print and delete

Policy Compliance

Employees who violate the *Computer Use, Electronic Mail and Internet Policy* may have e-mail access and Internet privileges suspended as well as be subject to disciplinary action, up to and including termination of employment.

Exhibit B - E-mail warning

"The City of Tigard considers your enclosed email as offensive and inappropriate use of city equipment. Please do not send me this type of material again. Should I receive similar material in the future I will forward it to Tigard City Administration who may contact and file a complaint with your Internet Service Provider and/or your Postmaster."

Exhibit C - Personal use of e-mail

"The City of Tigard does not permit personal use of their e-mail system. Please direct all your correspondence to my home e-mail address. Thank you."

50.0 POLITICAL ACTIVITIES

City employees are free to express political views on their own time. Oregon law forbids any city employee, while on the job, from soliciting money, influence, or anything of value or otherwise aiding and/or promoting any political cause or the nomination or election of a person for public office. It is also inappropriate to use a city office or city equipment for political work even if an employee is doing so on his/her own time outside their regular work hours (i.e. at lunch). Nothing in this section is intended to restrict the political actions or activities of employees outside of their regular working hours.

51.0 SMOKE FREE WORK ENVIRONMENT

The city seeks to promote a safe, healthy and pleasant work environment for all employees and the public. All city facilities, including city-owned buildings, vehicles, individual employee offices, and offices or other facilities rented or leased by the city will be smoke free. Signs will be posted in designated locations outside of the buildings where employees may step outside to smoke. Visitors to any of the city's facilities will be requested to comply with the city's efforts to maintain a smoke free environment.

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52.0 PERFORMANCE SUMMARY

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Employee performance summaries are an essential tool in the communication process between the employee and their immediate supervisor. The goal of the employee performance summary process is to establish a pattern of expected work habits, give employees and supervisors an opportunity to review and reset goals, reward or acknowledge good performance, create incentives, and identify and correct improper behavior or activity and/or substandard work performance.

Performance summaries are to be completed on the form prescribed by Human Resources. It shall be the responsibility of the supervisor to ensure that performance summaries are completed appropriately and by the scheduled due date. The original performance summary will be placed in the employee's personnel file, and the employee will be provided with a copy of the review. The employee may respond in writing to the performance summary or any aspect of that review, and the response will also be placed in the employee's personnel file.

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Probationary employees will participate in an initial goal setting interview and will receive a performance summary at the end of six (6) months of employment. This date establishes the employee's merit review date, which can only be changed upon promotion, layoff or leave without pay. Upon completion of the probationary period, as documented by a satisfactory performance summary, the employee shall receive a merit increase. Thereafter, regular performance summaries will be conducted annually on the employee's merit review date. Contingent on continued satisfactory performance; an employee shall receive a merit increase in conjunction with the performance summary until the employee reaches the maximum salary in his/her salary range.

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Nothing in this section shall prohibit the supervisor from conducting more frequent performance or progress reviews. A supervisor may initiate a special performance/progress review whenever a special review is deemed necessary.

An employee on leave without pay will have his/her merit review date adjusted to reflect the unpaid time. This adjustment will not apply to those on unpaid military leave whose merit review date will not be changed to reflect time off without pay.

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The department director may elect to extend an employee's probationary period for a maximum of three (3) months or to deny a merit increase from a non-probationary employee. Performance summaries are not subject to appeal or the complaint process.

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53.0 DRIVING AND VEHICLE OPERATION

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The operation of vehicles and equipment is necessary in conducting the day-to-day business of the city. Driving and the use of vehicles for city business includes regular vehicles for operation on streets as well as operation of special-use vehicles such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site.

The purpose of this policy is to record the city's guidelines and policies governing driver authorization, reporting of collisions, investigation procedures and the safe operation of vehicles, both city owned and personally owned, which are used for official city business.

Use of City Owned Vehicles and Equipment

City vehicles and equipment are to be used only in the performance of official city business; however, personnel whose work assignment is primarily in the field may utilize their assigned city vehicle during meal and rest periods for personal business as approved by the employee's supervisor. Employees doing so must conduct themselves in a manner which does not bring discredit upon the city or incur additional costs for fuel or vehicle maintenance.

Deleted: In the event a work assignment requires the use of a City owned vehicle, the employee is required to be qualified and possess the appropriate class of license for the type of vehicle used. The employee shall immediately report any limitation on his/her ability to safely operate the vehicle or any change in his/her licensing status to the employee's supervisor or department director. Failure to report may result in disciplinary action up to and including termination.

The following additional guidelines for the use of a city owned vehicle/equipment shall apply:

- Any out-of-pocket expenses such as fuel, emergency repairs, parking or tolls shall be reimbursed upon presentation of receipts;
- No reimbursement will be made for parking fines or any other charge levied for violation of a motor vehicle law;
- Family members or other non-city employees shall not be transported in city vehicles except as specifically authorized by the department director or consistent with department policy or in cases in which the city vehicle is regularly assigned to the employee as a provision of an employment contract;
- Temporary employees, contractors or volunteers are prohibited from driving a city vehicle without the specific authorization of the department director, verification of appropriate motor vehicle license and driving record approval by Risk Management.

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Use of Personally Owned Vehicles

Employees are encouraged to use city pool vehicles when appropriate however the use of personal vehicles to conduct city business is allowed under the terms of this section and city policies. When the city allows use of a privately owned vehicle it must be a conventional, at least four-wheel vehicle, and be in safe mechanical condition that is adequate to provide safe transport for the road and weather conditions. Vehicle/equipment must conform to State of Oregon requirements. Vehicle registration and insurance must be current. No reimbursement will be made for parking fines or any other charge levied for violation of a motor vehicle law.

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Employee's must file and keep current personal insurance information with Risk Management before a personal vehicle can be used for city business. Employees driving their personally owned vehicle will provide proof of personal auto liability insurance with liability limits of at least \$100,000/\$300,000/\$50,000 per occurrence. This personal auto insurance is primary in the event of a liability loss. The city is not responsible for the physical damage to the personally owned vehicle so employees should also have their own collision and comprehensive insurance coverage.

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Personally owned vehicle usage that meets the preceding requirements will be reimbursed at the federal mileage rate. Mileage reimbursement for the use of a privately owned vehicle is considered full payment (including deductibles, depreciation, insurance, maintenance, fuel and operating costs) for its use.

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Driver Authorization and Review

In the event a work assignment requires the use of a city owned vehicle or any vehicle for city business, the employee is required to be qualified and possess the appropriate class of license for the type of vehicle used. The employee shall immediately report any limitation on his/her ability to safely operate the vehicle or any change in his/her licensing status to the employee's supervisor or department director.

Deleted: Failure to report may result in disciplinary action up to and including termination.

The city requires periodic review of employee's driving records and requires review of applicant's driving records to ensure that people entrusted with the operation of vehicles are legally permitted to do so by the state; that they demonstrate by their driving record that they are safe drivers; and that the city is able to insure the person.

- ❑ Initial authorization to drive. When a position is being filled for which duties and responsibilities include driving, the driving record will be evaluated according to the city's Risk Management procedure addressing driver's record review standards. Applicants must be at least 18 years of age and have a valid driver's license. Job offers are contingent upon a successful driving record check, conducted by the hiring department, which meets city's standards.
- ❑ Driver Responsibilities. Those authorized to drive have the responsibility to do so safely while following defensive driving principles, Oregon laws and city regulations. Drivers operate vehicles safely in order to prevent collisions and injuries in spite of unsafe driving by others or adverse driving conditions. Drivers must have a valid driver's license, appropriate for the vehicle being operated, and it must be in the employee's possession at all times while operating a vehicle on official city business. Drivers must immediately report any changes to their driver's record to their supervisor.
- ❑ Ongoing Driver Authorization. The city conducts periodic review of motor vehicle driving records of all employees entrusted with the operation of vehicles for city business. The courts use the "negligent entrustment" doctrine to determine city liability when there is a collision resulting in property damage, injury or death. This doctrine can place responsibility for driver error, recklessness and incompetence on the city as the employer when a driver has a suspended/expired license or a poor motor vehicle driving record and is allowed to drive for City business.

Collision Reporting and Review

Collisions are incidents or events that involve city owned vehicles and equipment or a personally owned vehicle which is being used for official city business resulting in property damage, injury or death.

Whenever a collision occurs involving a city owned vehicle or piece of equipment or a personal vehicle if the employee is using the vehicle while on city business the collision must be reported immediately to the employee's supervisor, and, if within the city limits, to the Tigard Police Department.

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Further information and procedures related to this policy are contained in the City of Tigard's Risk Management Manual.

Penalties for Violations of Driving and Vehicle Operation Policy

In order to maintain a safe and productive work environment, a violation of this policy will be considered a very serious case of misconduct and subject to disciplinary action up to and including termination.

Further information and procedures related to this policy are contained in the city's Risk Management Manual.

54.0 USE OF CITY PROPERTY AND INFORMATION

All city property and information is to be used solely for job related purposes. Use of such property or information for personal purposes is strictly prohibited unless specifically authorized by city policy or the department director. Employees should not have any expectation of privacy in the use of city property or any information contained therein at any time. For purposes of this policy, city property includes all equipment, information, materials and facilities owned by the City of Tigard. Examples include software, electronic equipment, information systems (including but not limited to computers, PDA's, cellular telephones, fax machines, copiers, voice mail, e-mail, all communications and information stored in the city's information systems and electronic equipment, passwords, codes and keys to gain access to such equipment, buildings, motor vehicles, lockers, desks, etc.

The city reserves the right to access all city property and may periodically monitor use of such property. The city reserves the right to review and/or disclose all information contained in such property at any time and for any purpose.

Employees are strictly prohibited from using any city property to solicit other individuals for any purposes or to send messages which may be interpreted as harassing, discriminatory, obscene, or defamatory. The city's anti-harassment policy fully applies to employees in this use of city property.

Employees shall not use a security code, access a file, or retrieve any stored information, other than where authorized, unless there has been prior clearance by an authorized supervisor. City property or information that is confidential and/or proprietary information cannot be shared with individuals outside of the city without prior clearance from an

authorized city representative. Any employee who leaves employment with the city is prohibited from taking or copying any city property or information unless specifically authorized by their department director.

Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.

55.0 PERSONAL PROPERTY

The city will not reimburse an employee for the loss or damage of personal property brought to the work site by the employee except under the following conditions:

1. The damage occurs in the course and scope of the employee's duties;
2. The item damaged is required and approved by the department director for use in the performance of the employee's duties; and
3. There is no carelessness or negligence on the employee's part.

Deleted: Employees will be provided appropriate tools and equipment, as determined by their supervisor, to perform the duties of their job. Employees who choose to bring personal property and equipment into the workplace do so at their own risk. Precautions should be taken with all tools and equipment to place them in a secure location

When the above conditions are met, the city will reimburse for a replacement item of substantially similar quality. An employee requesting reimbursement for lost or damaged personal items(s) will submit a receipt for the item being replaced and a report to the supervisor. Accident forms are available on TIG20 and through Risk Management.

The city will not reimburse for damage to luxury items; e.g. jewelry. An employee who uses an unnecessarily expensive item at work does so at that individual's own risk.

Damage to eyeglasses will be reimbursed for any amount not covered by the employee's vision care insurance up to the usual, customary, and reasonable rate. An employee who typically works in the field and who requests reimbursement for lenses or frames must show that an eyewear safety strap was being worn. The city will not reimburse an employee for personal items, which are lost or stolen, or for normal wear and tear.

Employees should report to the Tigard Police Department any property stolen from the workplace, including both personally owned and city-owned items.

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56.0 FAMILY AND MEDICAL LEAVES OF ABSENCE

This policy is established to comply with both the Oregon and Federal Family and Medical Leave Act which entitle eligible employees to 12 weeks of job-protected leave every 12 months for family and medical reasons. The intent of this policy and the law is to allow city employees to balance their work and family life by taking reasonable, unpaid leave of absences for the reasons specified in these rules and regulations.

The city's family medical leave policy combines benefits required by the federal Family and Medical Leave Act (FMLA) and state law.

Employee Eligibility

Deleted: 61. REPORTING OF VEHICULAR AND/OR OCCUPATIONAL ACCIDENTS¶
Whenever a vehicular accident occurs involving a City owned vehicle or a personal vehicle if the employee is using the vehicle while on City business, the accident must be reported immediately to the employee's supervisor, and, if within the City limits, to the Tigard Police Department.¶
Further information and procedures related to this policy are contained in the City of Tigard's Risk Management manual.¶

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An employee must have been employed by the city for at least 180 days for an average of 25 hours of work per week during the previous 180 days. Exception: The hourly prerequisite does not apply to parental leave.

Permissible Reasons For Taking Leave

- Birth of a child (also referred to as "Parental Leave")
- Placement of a child under the age of 18 (or older if the child is mentally or physically disabled) with the employee for adoption or foster care (also referred to as "Parental Leave").
- Care of a family member (spouse, child, parent, same-sex domestic partner, or parent-in-law) with a serious health condition or for a child requiring home care due to illness extending longer than three days. Leave to care for a same-sex domestic partner or parent-in-law is only required by State law. (This type of leave may be referred to as "Serious Health Condition Leave.")
- To recover from or seek treatment for a serious health condition of the employee when the employee is unable to perform at least one essential function of his/her regular position. Serious health conditions include on-the-job injuries, pregnancy related disabilities, and prenatal care (may also be referred to as "Serious Health Condition Leave").
- To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care (may also be referred to as "Sick Child Leave" and is only required by state law). If "Sick Child Leave" is requested to care for a child who does not have a serious health condition, the city has the right to not approve the employee's request for leave when another family member is available to care for the child. "Sick Child Leave" applies only to the Oregon Family Leave law.

Duration of Leave

- Twelve work weeks during a rolling 12-month period computed forward from the date the employee first uses OFLA/FMLA leave.
- Taking leave on an intermittent basis or on a reduced work schedule may be permitted by the City if necessary to take care of an ill family member or because of the employee's own health condition. In either case, documentation by a medical professional is necessary. Leave of this nature must be approved in advance by the City and employees must make a reasonable effort to minimize disruption in the work unit. Intermittent leave will be calculated on an hourly basis which computes to 480 hours per year.
- Parental leave must be taken within 12 months after the birth/placement of a child. Leave may be taken non-consecutively, but if more than two (2) non-consecutive leaves are taken within the 12-month period, the employee must receive prior authorization from the City Manager or Human Resources Director.
- Under the Oregon Family Leave law, employees who take parental leave are also entitled to an additional 12 weeks of family leave to care for a sick child only if the full 12 weeks

of parental leave has been exhausted during the parental leave year. Employees not using the full 12 weeks of parental leave are only entitled to the balance of their 12 week entitlement for the purposes of sick-child or any other type of OFLA leave.

- Female employees who must take leave because of a pregnancy-related disability which prevents the employee from performing any available job duties as documented by the employee's treating physician or health care provider, may take an additional 12 weeks for other purposes approved under the law.

Sometimes more than one type of leave may apply to a situation. Where allowed by federal or state law, leaves will run concurrently. This means that worker's compensation leave, leave for a non-industrial injury or illness (including paid leave such as sick leave), Medical Leave Bank (MLB) and/or Paid Time Off (PTO) for Management, Supervisory & Confidential Group employees participating in the Paid Time Off Program, leave as a reasonable accommodation for a qualified individual with a disability, paid vacation used for a family leave qualifying reason, and federal family medical leave and state family medical leave may all run concurrently and be counted against the employee's annual family medical leave entitlement. All applicable leave will be governed by city policies, bargaining agreements, State laws, and/or Federal laws.

City's Responsibilities

- If the city (specifically the employee's supervisor, Human Resources, or any other management employee) acquires knowledge that an employee may need to take OFLA/FMLA leave for any of the reasons specified in these policies, the city will inform the employee of their entitlement to request leave within 2 working days.
- The city will furnish the employee with a copy of this policy, a leave request form, and the required medical certification form. This information must be completed and returned to the employee's supervisor within the timelines stipulated under "Employee's Responsibilities."
- After the supervisor has acquired all the necessary signatures on the leave request form, it should be forwarded to Human Resources who will determine the employee's eligibility and make an entitlement designation within 2 working days of receipt of the completed request forms. Notification will be in writing.
- It is the city's right and responsibility to determine and designate leave as OFLA/FMLA if the eligibility standards are evident. Such a designation will be based on information obtained either from the employee or his/her spokesperson (e.g., spouse, parent, physician, etc.) in the event the employee is incapacitated.
- If the city is unable to confirm that the requested leave qualifies as OFLA/FMLA leave, it may declare a preliminary designation regarding eligibility. However, upon receipt of the medical information, the city must either withdraw or finalize the preliminary designation in writing to the employee.

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Supervisor's Responsibilities

- When a supervisor becomes aware of a pending leave of absence which might qualify for OFLA/FMLA leave, the supervisor will provide the employee with resource information on their OFLA/FMLA rights and advise the employee to contact Human Resources for more details. The supervisor should immediately advise Human Resources of this referral.

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- After the supervisor reviews the leave request, they must immediately forward the request form to the appropriate signing authority (i.e., department director, Human Resources Director, City Manager,). It is the supervisor's responsibility to assure that all necessary signatures are acquired and that the signed leave request form is submitted to Human Resources within one (1) working day after receipt from the employee.

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- All medical documentation must be forwarded to Human Resources. No medical files shall be retained at the supervisor's desk or in the department. It is also important to remember that the supervisor must protect the confidentiality of the employee. Information should be shared only on "a need to know" basis and no specifics should be shared with the employee's co-workers.
- The supervisor is required to process a Personnel Action form with all the appropriate signatures for the employee's leave of absence.
- The supervisor should make arrangements with the employee for the completion and submittal of timesheets. Timesheets need to be processed by standard Payroll procedures. The supervisor is responsible for monitoring timesheets to reflect appropriate FMLA use.
- The supervisor should make every effort to maintain ongoing communication with the employee during his/her absence for the purpose of acquiring status reports especially in regards to the employee's return to work date. Contacts should take place at least every 30 days.
- The supervisor should notify Human Resources of the employee's pending return to work and acquire any necessary medical release information prior to the employee's return to the job.

Employee's Responsibilities

The employee should notify their supervisor of any pending leave of absence and contact Human Resources for additional details of their OFLA/FMLA rights.

The employee is required to submit a completed City of Tigard "Request for Family and Medical Leave," form to their supervisor within the following time frames:

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- a) When leave is anticipated, written notice must be provided at least 30 calendar days prior to the start of leave. "Anticipated" refers to an employee having knowledge at least 30 calendar days in advance.
- b) When leave is unexpected, verbal notice must be provided to the supervisor or Human Resources within 24 hours of the leave commencement plus written notice must be forwarded to Human Resources within 3 days after returning to work.

- c) Failure to comply with providing proper notice will result in delaying the leave until proper notice is received.
- The employee should submit any required written verification from their treating physician or health care provider based on the timeframes and guidelines identified under the "Medical Certification" section below.
- The employee should make arrangements with their supervisor for the completion and submittal of timesheets during their leave of absence.
- The employee should keep their supervisor and Human Resources apprised of their situation on a regular basis.
- The employee should inform their supervisor and Human Resources of their intent to return to work as soon as their treating physician has informed them of the release date.
- The employee should forward any required medical release documentation from their treating physician or health care provider to Human Resources at least one day prior to returning to work.

Medical Certification

- The city requires written verification from the treating physician or health care provider at least 30 days prior to the start of the leave for an anticipated serious health condition relating to either the employee or the employee's family member on a form furnished by the city.
- In cases where the serious health condition is unanticipated, the employee has 15 days from the date of the city's request to provide the required medical certification.
- The city has the right to solicit a second and, if necessary, a third opinion to verify the health care provider's certification of a serious health condition. This verification will be at the city's expense.
- If the required medical certification does not validate the necessity for OFLA/FMLA leave, the leave will be retracted. In this situation, employees may be placed on unapproved leave of absence and the time originally counted toward their OFLA/FMLA entitlement will be revoked.
- For employees on approved intermittent family medical leave, additional medical certification may be required upon expiration of the current medical certification or every 30 days as deemed necessary by the city.
- The city also requires the employee to contact their supervisor with a status report at least every 30 days. In addition, the employee must inform their supervisor of their intent to return to work at least one day before returning to the job.
- In the case of the employee's own serious illness, a medical release form will be required before returning to work.

- If an employee has used leave to care for a sick child on more than three separate occasions in a 12- month leave period, upon request the employee must provide medical documentation that their child was ill and required home care to support any additional use of sick child leave.

Use Of Paid Leave Time

- The City requires the substitution of accumulated sick leave or Medical Leave (for Management/Supervisory/Confidential Group employees participating in the PTO Program) prior to or during the duration of FMLA leave as provided by applicable city policies, bargaining agreements, State laws, and/or Federal laws.
- Management/Supervisory/Confidential Group employees participating in the Paid Time Off Program who are on an approved OFLA/FMLA leave (whether full time or intermittent) may have immediate access to their Medical Leave Bank.
- After sick leave or Medical Leave has been exhausted, employees are required to use any other accumulated paid time (i.e., vacation, management leave, floating holiday, appointment leave, etc.) as provided by applicable city policies, bargaining agreements, State laws, and/or Federal laws during their leave of absence before being placed on unpaid leave status. Earned time (i.e., compensatory time and M2 time) is not eligible to be used during approved Oregon and/or Federal Family Medical Leave unless otherwise provided by applicable city policies, bargaining agreements, State laws, and/or Federal laws.
- Employees are required to notify their supervisor of the order in which accumulated paid time (after sick leave or Medical Leave has been exhausted) is to be used during the period of time they are on OFLA/FMLA leave as provided by applicable city policies, bargaining agreements, State laws, and/or Federal laws.

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Benefit Continuation

- The City will continue to maintain group health insurance coverage for the employee for the duration of their leave on the same terms as if the employee is working. This includes medical, vision, and dental. If applicable, the employee is responsible for paying their share of health insurance premiums while on leave - arrangements will be made prior to the start of the leave.
- Non-medical related benefits (i.e., LTD, Life, etc.) are the responsibility of the employee when on leave without pay status.
- Once an employee is placed on leave without pay status as a result of using all their accumulated paid leave, the employee will not continue to accrue time and benefits associated with the employee's length of service.
- If the employee chooses not to return to the city after their OFLA/FMLA leave (other than as a result of their own serious health condition), the city has the right to recoup any health insurance costs spent in their behalf.

- If the employee does not return to work after the allotted 12 weeks (either by choice or inability), they will be eligible for continuation of health benefits through COBRA provided the employee does not have other health coverage.

Reinstatement

- The City will make every effort to reinstate the employee in their former position.
- If reinstatement to the employee's former position is not possible due to the unanticipated elimination of the position during the time of the employee's absence, the employee will be reinstated to an equivalent position if one exists. If the employee is covered by a collective bargaining agreement, reinstatement will comply with the terms of the agreement.

57.0 CLASSIFICATION PLAN

The purpose of the classification plan is to provide a complete systematic and continuous inventory of all job classifications in the city and to provide accurate descriptions and specifications for each class.

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The Classification Plan shall standardize titles, each of which shall be indicative of a definite range of duties, authority and responsibilities. Each classification shall be described in a written specification to include an appropriate title, a statement of the duties and responsibilities involved, supervision exercised and received, and the minimum qualifications required for applicants to the position. The Human Resources Director shall be responsible for the administration and maintenance of the classification plan. The Human Resources Director, with recommendations from department directors, will allocate positions to the appropriate classification and may make revisions in the classification plan including the addition of new classes, combination and/or revision of existing classes, and deletion of obsolete classes.

Deleted: Any "working title" desired may be used when authorized by the department director, however the unofficial job titles will have no bearing on the official designated classification title of any position or employee.
Maintenance of the Plan

Deleted: Human Resources shall also periodically review the classification of positions and audit their duties and responsibilities, making changes as necessary to keep the plan up to date.

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Classification Descriptions

Classification descriptions are written statements of each job classification included in the classification plan. Descriptions include a class title, a statement describing the purpose and distinguishing characteristics of positions in the class, representative examples of work performed, supervision exercised, supervision received, and general recruiting indicators (knowledge, skills, abilities, experience and training) that a person should possess to successfully perform the work. Necessary requirements such as licenses or certifications are also included.

Classification descriptions do not prescribe each and every specific duty of any position, nor do they limit the authority of management in assigning work. A classification description shall be liberally construed as a general description of the work characteristics of similar positions properly allocated to that class. Specifications are intended to indicate the kinds of positions allocated to the various classes as determined by their duties, responsibilities and minimum qualifications and should be interpreted as a whole and in relation to others in the

Deleted: Specifications are descriptive and not restrictive and

classification plan. Nothing in the class specification is to be interpreted as restricting a supervisor from assigning an employee of one class to perform some of the duties of a higher class or lower class for a limited period of time.

Deleted: Particular phrases or examples shall not be isolated and treated as a full definition of the class.¶

Supervisors are responsible for ensuring that the classification descriptions for each position under their supervision are periodically reviewed to ensure their accuracy, and that revisions are forwarded to Human Resources.

Reclassification

A reclassification may occur when job content changes substantially, requiring the position to be assigned to a different classification and/or pay range. Managers and supervisors are responsible for ensuring that the duties assigned to employee are consistent with their classification and reasonably fit within the overall concept of that class. Managers and supervisors are also responsible for making timely requests for classification reviews when there is a question regarding the classification allocation of a position or positions.

Reclassification will not be used to: a) avoid restrictions concerning demotions and promotions, or b) make a change in salary in the absence of a significant change in assigned duties and responsibilities. Managers may assign duties that reasonably fit within the overall, broad parameters of a classification in cases of a bona fide emergency affecting the health, safety and welfare of the community for a specific duration to deal with that emergency, or in temporary "working out of class" situations.

If the duties of an existing position change sufficiently so that the current classification may no longer be appropriate, a request for a classification review shall be submitted to Human Resources, preferably prior to the change in assigned duties and responsibilities. A department director, manager or supervisor may initiate a request to Human Resources for a reclassification review. An employee may also initiate a request to their supervisor for a reclassification review. The request must be in writing and must include all requested supporting documentation required for a decision to be made including the justification for the requested change.

The Human Resources Director may initiate a classification review at any time. The effective date of the reclassification action shall be the date the written request for reclassification and all required supporting documentation is filed with Human Resources.

An employee occupying a position that has been reclassified may be retained in the position provided that a) Human Resources certifies that the incumbent possesses the minimum qualifications of the new class, and b) the incumbent has been performing the duties of the higher or lower classification prior to the position audit and c) the department director determines that the performance of the incumbent has been satisfactory. Reclassified employees meeting the above criteria will not serve a new probationary period and their merit date will not change. If all of the above conditions cannot be met, the position will be open for recruitment. An employee who is not appointed to the reclassified position will be transferred or demoted to a suitable, vacant position, provided that they are qualified to perform the work, or will be separated from employment if no other suitable, vacant position exists.

Deleted: Allocation of Positions¶

Each position shall be allocated to one of the classes of the approved classification plan. In determining the class to which any position is allocated, the specification describing each class shall be considered as a whole, comparing general duties, responsibilities, minimum qualifications and relationships to other positions in order to obtain an inclusive picture of the position and placement into an appropriate class. The Human Resources Department shall analyze the position and assign it to the appropriate class within the Classification Plan. A new class specification shall be prepared to cover each additional position which is created and for which the classification plan does not provide a satisfactory class description. Employees shall be notified of the allocation of their position, and the class title as it appears on the class specification shall be used to designate the position on official records and payroll.¶

58.0 COMPENSATION ADMINISTRATION

The city is interested in providing a fair and equitable compensation plan that retains and attracts qualified employees to the organization. The salary plans for city employees are developed through the collective bargaining process for those employees represented by bargaining units, and by the City Manager and City Council for those supervisory, management and non-represented employees. In consultation with the City Manager, the Human Resources Director shall recommend to the City Council for adoption, the city's salary plans, compensation policies and any changes necessary.

The salary plans list the salary ranges in the plan for each classification, and a minimum and maximum rate of pay and such intermediate rates as are considered necessary and equitable. Flat rates may be used instead of salary ranges where appropriate. Each job classification shall be assigned a salary range, and pay for any position in that classification must be within that salary range except as approved by the City Manager.

Adjustments to assigned ranges for individual classifications and presentation to Council of new classifications and ranges shall generally be done in conjunction with the annual budgetary process, except where the Human Resources Director determines that:

1. a substantial change in the duties and responsibilities of the classification necessitates a salary adjustment, or
2. an inordinate amount of turnover within the classification is attributed to an inadequate salary level, thereby necessitating an immediate salary review; or
3. difficulty in recruitment of qualified candidates for a classification is attributed to an inadequate salary level, thereby necessitating an immediate salary adjustment.

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Compensation rates for City classifications shall be set in accordance with the City compensation policies, subject to collective bargaining where applicable. Compensation policies shall be administered in a fair and consistent manner.

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Annual Review

Annually, prior to the adoption of the budget, the Human Resources Director shall submit a recommended compensation plan for all non-bargaining unit city employees to the City Manager for consideration by the City Council. The Council may provide a general salary adjustment to the salary plan and this is distinguished from a merit salary increase.

Administration

Individual wages are determined by progression through the classification pay range as provided below, or within the collective bargaining agreement. Eligibility for advancement through the salary range will be delayed by layoffs or certain unpaid leaves of absence.

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Beginning Salary

Normally an employee will be appointed at the beginning salary rate of the pay range established for the classification. Appointments above the beginning salary rate for the pay range will be presented in writing to the City Manager for final approval. The factors to be reviewed in approving appointment beyond the beginning rate may include the availability of applicants with the qualifications for the vacant position, qualifications of all available

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applicants, the resulting relationship to other similar classifications, a substantially higher level than the recruiting indicators of training, experience, or other qualifications of the candidate, and the time available to continue the recruitment process. Budget considerations will be an important factor in the recommendation.

Merit Increases

Merit increases shall be granted based on satisfactory performance at the completion of twelve months of employment from the date of satisfactory completion of the probationary period, and every twelve months thereafter, except as otherwise specified in union contracts, management group personnel policies, or individual employment agreements. When an employee reaches the final step or maximum rate of the salary range, no more merit increase salary adjustments will occur.

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Promotions

A promotion is an appointment to a position in a classification which has a higher maximum salary rate than the employee's present classification. Normally, the employee shall receive the nearest higher salary, equal to or greater than five percent (5%) above the employee's current salary in the new range on the date of promotion. In no event shall a promoted employee's salary be less than the starting pay of the salary range for the new classification. The department director who believes that the promotion should be made at a higher rate within the new range must present his/her request in writing to the Human Resources Director, who will review the matter and make a recommendation to the City Manager. Factors such as the qualifications and prior experience of the candidate as well as the city budget will be considered. Employees who are promoted will be required to serve a new probationary period, and their merit date will change to the date of their promotion.

Demotions

A demotion is an appointment to a position in a classification which has a lower maximum salary rate than the employee's present classification or a reduction in rate to a lower step or placement on the range. When a demotion occurs, the department director shall recommend one of two salary options: (1) a salary for the demoted employee on one of the steps within the salary range of the lower classification, or (2) that the employee's salary be frozen at its current rate and designated by "red circle" rating until the new range reaches the employee's frozen pay level. The application of any of these options shall not result in an employee receiving a higher salary. These options shall also apply to demotions in lieu of layoff. The City Manager has the authority to grant approval of "red circle" ratings where the salary is to exceed the top step of the lower classification range. An employee's merit date shall remain the same when a demotion occurs.

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Temporary Employees

Temporary employees usually will be paid at a rate within the salary range for the class which most nearly describes the nature of the duties assigned to the employee.

Salary Range Changes

When the salary range for a classification is changed, the employee's pay will be based on the same step or same relative position in the new range as the old range. This change will not alter the employee's merit date. Salary range adjustments normally are made as part of the budgetary process and are to be distinguished from merit salary increases. Salary range changes do not recognize length or quality of service.

Classification Transfer

When an employee is appointed to a position in a different classification which has the same pay range, the employee's pay remains the same. The employee will be required to serve a probationary period in the classification if he/she has not previously served a probationary period in the classification. The employee will retain the same merit date.

Reclassification

A reclassification may occur when the job content changes substantially, requiring the position to be assigned to a different classification and/or pay range. An employee whose position is reclassified to a higher classification with a higher maximum salary rate will receive a pay increase equal to at least 5% or the nearest step, whichever is greater. An employee may not be placed lower than the first step of the range or above the top step of the range. When an employee is reclassified to a lower classification the department director shall recommend one of two salary options: (1) a salary for the employee on one of the steps or within the salary range of the lower classification, or (2) that the employee's salary be frozen at its current rate and designated by "red circle" rating until the new range reaches the employee's frozen pay level. The application of any of these options shall not result in an employee receiving a higher salary. Employees will not be required to serve a new probationary period if they are retained in the reclassified position provided they meet the conditions specified under the article "Classification Plan", and their merit date will not change.

Comment: This section relocated here from another section

Working Out Of Classification

Except for on the job training purposes, whenever an employee is required to perform any substantial portion of duties relative to tasks assigned in a higher level of classification above that in which the employee is normally classified, the employee shall be paid for such work at a rate within the salary range for the higher classification, not to exceed the maximum step of the higher salary range. Working out of classification must be approved in advance by the department director.

Deleted: When an employee is reclassified to a lower classification the salary may be decreased if the salary is higher than the highest step of the new salary range or the salary may be frozen until the new range reaches the employee's present pay level. Employees will not be required to serve a new probationary period if they are retained in the reclassified position provided they meet the conditions specified under the article "Classification Plan", and their merit date will not change.¶

Supervisory Pay

Whenever an employee is temporarily assigned the added responsibility for supervision of a work unit beyond their regular duties but they are not performing a substantial portion of the duties of a higher supervisory class, the department director shall pay that employee an additional rate of five percent (5%) added to the employee's regular wage for the period the employee is given the added supervisory responsibilities.

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Jury/Witness Pay

Employees will be paid at their standard rate of pay when they are required to report for jury duty or as a witness in cases in which the employee has no interest. Compensation received by the employee for serving on a jury will be paid to the city. Compensation received by the employee to cover travel and related expenses will be retained by the employee, unless otherwise paid by the city. It is the responsibility of the employee to report to work for the remainder of their normal shift if jury duty does not exceed the work day, or to make arrangements with their supervisor for approval of the use of accrued leave.

Disciplinary Deductions for Exempt Positions under the FLSA

Other than for major safety violations as defined and interpreted under the Fair Labor Standards Act, disciplinary suspensions without pay shall not be imposed for less than one workweek duration for employees whose job classification is exempt from the Fair Labor Standards Act.

59.0 COMPLAINT PROCESS

It is the policy of the city that employees be provided a process whereby their problems and complaints will be considered as fairly and rapidly as possible without fear of reprisal. These policies are available to all employees, however, bargaining unit employees must use the grievance procedure in their collective bargaining agreement if the action pertains to an interpretation or application of an agreement provision or any matter within the scope of representation. This complaint process may not be utilized for: 1) disciplinary action 2) complaints for which the city provides an alternate dispute resolution procedure 3) any matter which is to be or has been grieved under an applicable collective bargaining agreement, or 4) termination or a probationary appointment. Every effort will be made to find an acceptable resolution by informal means at the lowest possible level of supervision.

An employee or group of employees may file a complaint if they believe an injustice has been done because of:

- A lack of city policy or department policy
- A policy that is unfair
- A deviation from the city's adopted policies
- A disagreement with another employee or supervisor
- A discretionary action of a department in the application of the city personnel rules and policies

All complaints must be in writing and must, at a minimum, refer to the policy, rule or regulation in question, the condition or situation causing the complaint to be filed, and the remedy sought by the complainant.

An employee who has a problem or complaint shall first attempt to resolve the problem informally through consultation with his/her immediate supervisor. This shall be

accomplished within five working days after the occurrence or within seven working days after the employee knew or reasonably should have known the facts upon which the complaint is based. The supervisor shall respond to the employee within seven days of the initial discussion with the employee.

If the complaint is not resolved to the employee's satisfaction, the employee may, within five working days of a response by the supervisor, forward a formal written complaint to the supervisor. The supervisor shall, within five working days of receipt of the complaint, render a decision in writing regarding the resolution of the complaint.

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If a complaint is not settled with the employee's supervisor, the complaint may be appealed in writing to the employee's department director within ten working days from the receipt of the immediate supervisor's written response. The complaint must specifically set forth the reason the supervisor's response was not satisfactory. The employee may request a meeting with the department director. The department director may also conduct a meeting without a request from the employee. The department director shall render a decision in writing within ten working days of the date of the meeting, if a meeting was held, or within fourteen days of the receipt of the complaint.

If a complaint is not settled with the department director, the employee may submit the complaint within ten working days from the receipt of the department director's response in writing to the City Manager or his/her designee. The complaint must specifically state the reason the responses previously provided by management were not satisfactory. A meeting may be held by mutual agreement of the parties. Twenty-one calendar days from receipt of the complaint, the City Manager shall deliver a written decision to the employee. This decision shall be final and binding.

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The time limits set forth are essential to the timely review and resolution of complaints. The time limits, however, may be extended by mutual agreement in writing of the employee and the department director or City Manager, depending at which step the complaint is at.

It will be the employee's responsibility to submit the complaint to the next designated level within the specified time limits if they are not satisfied with the decision. The employee's failure to submit the complaint to the next designated level within the time limits imposed shall terminate the process, and the complaint shall be considered settled on the basis of the last decision, and not be subject to further appeal or recommendation.

There shall be no restraint, interference, coercion, discrimination or reprisal against any employee for using the complaint procedure.

60.0 JOB SHARING

A budgeted position may be shared by two (2) individuals if in the city's judgment, the position lends itself to a job share arrangement without decreasing the efficiency of city services or increasing the net cost of the position to the city. The criteria for determining if a position lends itself to a job share arrangement include, but are not limited to those outlined below:

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- whether the arrangement hampers or assists departmental or city operations;
- whether the job functions can easily be broken into parts or have a variety of unique duties or specific parts;
- whether the normal work schedule allows the job to be shared on an equal basis during the pay period;
- whether qualified individuals can be found to fill both parts of the position;
- whether the amount of training required before a person can fully perform the job functions is cost effective;
- whether arrangements can be made to accomplish the work assigned to the position in the absence of one or both employees filling the position;

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Job sharing arrangements are typically on a half day or half week basis. Filling of a job share position shall be in accordance with established recruiting and selection procedures.

The following guidelines shall apply:

1. Job sharing will only be granted when it is consistent with city needs and where the department has demonstrated that the functions of the shared position can effectively be performed by two (2) persons;
2. The position to be shared must be an adopted and budgeted full time position;
3. All job sharing requests must be submitted under the signature of the department director;
4. Each job sharer is required to work a total of twenty (20) hours per week in order to qualify for city benefits. Benefits, including sick leave, vacation, holiday pay, and health insurance will be pro-rated in the same manner as for other regular part time employees;
5. The two (2) employees filling a job share position must be of the same classification as the position being shared. The employees may be hired at different steps or placement within the pay range;
6. The days and hours worked and the duties assigned to each employee shall be the responsibility of the immediate supervisor with the approval of the department director;
7. The city reserves the right to discontinue a job share position for any reason at any time.

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Job share arrangements may be initiated by the supervisor or department director when the position to be shared is vacant, or requested by a regular full time employee filling a full time position who wishes to enter into a job sharing arrangement. This option is not available to temporary or probationary employees. If requested by the employee, the request must be made in writing to the supervisor who must then obtain the approval of the department

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director. If an employee in a job share position requests to work full time and the position is not filled by two employees when the request is made, the position may be reallocated as full time and the employee may be granted the full time position. In no case will the second employee filling a job share position be laid off or terminated solely in order to accommodate the other employee's request to convert the position to full time.

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Deleted: If the job share position is filled by two employees, the employee requesting to work full time may apply for other City positions for which he/she is qualified.

61.0 REPORTING IMPROPER GOVERNMENT ACTION

The City of Tigard is committed to maintaining an ethical workplace. City employees are encouraged to report any incidence of improper governmental action. "Improper government action" is defined as action taken by a city employee or officer that occurs during the performance of their official duties and that is illegal, an abuse of authority, or substantial and specific danger to public health or safety, or a gross waste of public funds. "Improper government action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restoration, re-employment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or personnel policies, alleged violations of labor agreements, or reprimands.

Procedure

Employees who become aware of improper governmental actions should report the matter to their own supervisor and should specifically state the basis for the employee's belief that improper action has occurred. If the matter is not resolved by the supervisor, or it is believed that the supervisor is involved in the issue, the employee should send a detailed, confidential memo to their division manager, department director, Human Resources or the City Manager.

Investigation

The employee's supervisor, manager, department director, Human Resources, or the City Manager is obligated to promptly investigate the reported improper governmental action. The name of the employee reporting the action will remain confidential to the extent possible under the law. A summary of the findings may be requested by the employee placing the complaint. Any personnel actions taken are confidential and will not be included in the summary.

Retaliation

If an employee makes a good faith effort to follow the procedures outlined above, he/she is protected from retaliatory action by this policy and under the law. "Retaliatory action" means any adverse change in the terms and conditions of the employee's employment due to reporting an improper governmental action. If an employee believes that retaliatory action has been taken, they should report the change to their supervisor, division manager, department director or Human Resources. If the complaint is not resolved within 30 days, the employee may forward their complaint to the City Manager. The written complaint must state the retaliatory action taken, and the requested relief. The complaint will be investigated and responded to within 30 days.

62.0 INCLEMENT WEATHER

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The City of Tigard has an obligation to its citizens to continue offering public and emergency services during inclement weather and disasters, and employees are to consider city offices open and operating. Employees are encouraged to make every attempt to report to and remain at work, unless otherwise notified by the City Manager or other authorized designee.

The City Manager may use his discretion in deciding whether city offices will remain open during periods of severe inclement weather and may vary these policies on Inclement Weather on a case by case basis. Employees must advise their supervisor of their late arrival to work or absence from work due to inclement weather as soon as possible.

Overall, the city's policy is that employees will only be paid for hours worked. Employees who are authorized to report to work late or are authorized to leave early because of extremely hazardous weather conditions shall use accrued leave. Sick leave and appointment leave may not be used for lost time due to inclement weather conditions. Employees may, as an alternative, request authorization to make up missed time from their supervisor. If an employee determines that it is unsafe to report for work, they will be authorized to use accrued leave, other than sick leave, or may request authorization from their supervisor to make up the missed time if such time can be arranged to accommodate work needs of the department.

If the city finds it necessary to close City Hall and/or other city facilities while employees are at work, employees will not automatically be released from work. On a case by case basis, employees may be reassigned to other duties such as assistance in the city's emergency operations center. Department directors will determine whether an employee is to be temporarily reassigned duties, or whether they may be released from work early. If they are released from work early, the employee may use accrued leave other than sick leave, or make arrangements with their supervisor to make up the missed time if such time can be arranged to accommodate work needs of the department.

If City Hall and/or other city facilities are closed effective the beginning of the work day, employees will be allowed to take accrued leave other than sick leave, or make up the missed time with their supervisor's authorization. Exceptions to this situation will be those city employees required to report for work due to the nature of their job and/or its relationship to the emergency situation (i.e. police, public works, etc.)

63.0 SOLICITATION ON CITY PROPERTY

With the exception of vendors conducting normal business with the city, the city does not allow peddling, solicitation or sale of goods or services for charitable or any other purposes on city property during working hours without the approval of the City Manager. In addition, the City Manager may designate specified locations on city property to be used by employees for the purpose of posting notices of items for sale or otherwise of interest to other employees. It is the obligation of employees wishing to utilize this privilege to do so during off duty hours and in a manner which does not interfere with their work. The City Manager may waive the provisions of this rule in cases where the sale of goods on city

property will not interfere with the operations of the city nor be in conflict with any other rule, regulation or law.

64.0 DEFENSE AND INDEMNIFICATION OF CITY OFFICIALS

This policy refers to the defense and indemnification of city officials and employees in proceedings not subject to the Oregon Tort Claims Act (OTCA), and defense of claims brought pursuant to ORS Chapter 244 (Government Standards and Practices).

Public Purpose for Policy

It is in the public interest of the City of Tigard that Tigard's officers and employees be free of the personal financial hardship resulting from having to defend claims and charges (other than "true" crimes punishable by imprisonment) which are beyond the scope of the OTCA (Oregon Claims Tort Act) and which arise out of their good faith performance of their duties. For the purpose of this policy, the city's "officers and employees" include: City elected officers, members of the city's official advisory boards, committees and commissions, charter officers and all employees.

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General Rule

The city will defend and indemnify any city officer or employee and pay the cost of defense and the amount of any judgments entered against the officer or employee. The city reserves the right to not defend or indemnify if the action or omission of the officer or employee was in bad faith and with malice.

Good faith is absent if the officer or employee knew or reasonably should have known that the action or omission would violate the law, rule or regulation which he or she is charged with violating, or if the officer or employee acted contrary to the advice of legal counsel.

Limitations on Defense and Indemnification of Crime Punishable by Imprisonment

In no event should the resources of the city be committed to the defense and indemnification of a city officer or employee charged with a crime punishable by imprisonment unless the Council is satisfied that:

The offense charged is based solely on the alleged negligence of the officer or employee, and the officer or employee was not malfeasant in office nor willfully or wantonly neglectful of official duty; and/or,

It appears that the allegedly criminal act or omission was done or omitted as a conscious and good faith choice between evils in response to an emergency, or as a conscious and good faith attempt to protect persons from injury, disease, or to protect property from damage or destruction, either of which would have been likely and substantial had the officer or employee not acted in the manner charged; and/or

The only basis for charging the official is vicarious liability for the misconduct of a subordinate, and where the official clearly did not participate in or condone the subordinate's conduct knowing or having good reason to know it to be unlawful.

Defense and Indemnification Conditional

Any commitment of city resources, pursuant to this policy must be contingent on the Council's continued satisfaction that the conditions found to justify defense and indemnification continue to be met. Should it appear that the officer or employee has misstated or failed to disclose facts which, if known, would have changed the initial decision to defend and indemnify, the city's commitment to that person's defense and indemnification shall be withdrawn and the city shall be entitled to recover from that person any public funds expended on that person's defense and/or indemnification.

Payment of Costs; Reimbursement of City

Ordinarily the commitment to defense and indemnification of an officer or employee will involve direct payment of defense and indemnification costs as they are incurred. In any case, however, the Council may choose to commit only to reimbursement of validated expenses in the event the officer or employee is ultimately exonerated. If the particular law, rule or regulation under which the officer or employee has been charged provides for payment of costs and/or attorney fees if the officer or employee prevails, the city shall be entitled to reimbursement of any such costs and/or attorney fees paid by the city.

No Entitlement to Defense and Indemnification

Nothing in this policy should be construed to entitle any officer or employee to defense and indemnification. The intent of this policy is to vest discretion with the Council with certain restrictions as to when defense and indemnification funds may not be provided. In each case the Council should be guided by considerations of what is in the best interest of the City of Tigard subject to the above conditions and restrictions.

Defense of ORS Chapter 244 Claims

In the event a claim is made against any officer or employee pursuant to ORS Chapter 244 (also known as Oregon Government Standards and Practices), the officer or employee is responsible for providing their own defense. The officer or employee will be reimbursed for the costs of providing their own defense, if the officer or employee is exonerated.

65.0 VOLUNTARY RESIGNATIONS

To voluntarily resign or retire in good standing, an employee must submit a written letter of resignation or letter stating intent to retire to their supervisor a minimum of ten (10) working days prior to the effective date of resignation or retirement, unless covered by an employment agreement in which case the provisions of such agreement shall prevail. Failure to submit a timely written resignation or notice of intent to retire may be cause to exclude the individual from future employment opportunities with the city. A resignation may be accepted immediately upon receipt when the notice requirement is waived by the department director.

Deleted: 62. HAZARD COMMUNICATION¶

In order to comply with federal and state occupational health and safety codes, and to ensure a safe environment for employees and members of the general public, the City of Tigard maintains a written Hazard Communication Program which complies with all applicable codes and standards.¶

It shall be the responsibility of the Risk Management Division to maintain and update this Program, and of managers, supervisors and employees to comply with its provisions.¶

Further information and procedures related to this policy are contained in the City of Tigard's Risk Management Manual.¶

Upon receipt of the written letter of resignation or notice, the supervisor shall prepare and obtain the employee's signature on a Personnel Action form and forward that form to Human Resources with the original letter of resignation/retirement attached. A copy of the letter may be retained in the department.

The supervisor shall ensure that all city property is returned by the employee on or before the effective date of resignation/retirement, and that arrangements are made for previous tuition reimbursement to be refunded to the city by the employee if appropriate. The supervisor shall advise the employee to contact Human Resources regarding scheduling an exit interview.

At the discretion of the department director, with the approval of the City Manager, an employee may be permitted to withdraw his/her resignation/retirement request at any time up to and including his/her last day of employment, provided the position has not already been filled. However, the employee may not be reinstated after leaving city employment without participating in an authorized selection process.

Employees who are absent from work without approved leaves for a period of three (3) consecutive work days may be considered by the city to have abandoned their position and resigned from the city service.